

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Tuesday, June 10, 1969

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Gerald Scribner of Dover-Foxcroft.

The journal of yesterday was read and approved.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Neglect of Official Duty by Municipal Officers" (H. P. 528) (L. D. 699) the Speaker appointed the following Conferees on the part of the House:

Messrs. FINEMORE

of Bridgewater

DENNETT of Kittery

BRENNAN of Portland

On the disagreeing action of the two branches of the Legislature on Resolve Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteeing Portions of Certain Home Mortgages and Housing Development (S. P. 390) (L. D. 1315) the Speaker appointed the following Conferees on the part of the House:

Messrs. DENNETT of Kittery

RIDEOUT of Manchester

MARTIN of Eagle Lake

**Papers from the Senate
Tabled Until Later in Today's
Session**

From the Senate: The following Order:

ORDERED, that the State Board of Education be directed to declare a moratorium on the construction of regional technical vocational centers at the high school level excepting the following list of schools which are either operating centers or will be operating in the near future or are working on their final plans and are specifically authorized to continue: Augusta, Waterville, Westbrook, Sanford, Lewiston, SAD 46—Dexter, SAD 1—Presque Isle, Bath, Biddeford, SAD 61—Bridgton, SAD 7—Farmington, SAD 54—Skowhegan and Portland; and be it further

ORDERED, that no new centers shall be authorized until the State Department of Education has made a thorough study of the regional center program and reported its findings and recommendations to the 105th session of the Legislature. (S. P. 493)

Came from the Senate read and passed.

In the House: The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Chick.

Mr. CHICK: Mr. Speaker, I noticed, it was called to my attention that this Order, I believe there is a typographical error in it, and I would suggest that somebody might table it until later in the session until we can check on it.

Whereupon, on motion of Mr. Richardson of Stonington, tabled pending passage in concurrence and assigned for later in today's session.

From the Senate: The following Order:

ORDERED, the House concurring, that RESOLVE, to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine (S. P. 364) (L. D. 1246) be recalled from the Legislative Files to the Senate. (S. P. 494)

Came from the Senate read and passed.

In the House: The Order was read.

The SPEAKER: This Order requiring a recall from the legislative files requires a two-thirds vote for passage. All members in favor of this matter being recalled from the legislative files will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 60 voted in the affirmative and 42 voted in the negative.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, I request a roll call on the vote and I would speak to the motion.

The SPEAKER: A roll call has been requested. The gentleman may proceed.

Mr. BENSON: Mr. Speaker and Members of the House: This bill slipped by us the other day. There was an agreement with the sponsor of the bill that it would be held for one more day so that the people interested in this problem in Portland could present an amendment. This is the only means that we have of getting the vehicle back before us. Therefore I would ask you to allow this bill to be recalled so that they will have an opportunity to present their amendment, then you can do what you will with that.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: As a member of the Appropriations Committee that went against this, there was an agreement to allow this to be placed on the table for an amendment. At least we should look at the amendment, and I join with the gentleman Mr. Benson hoping that this will be allowed to be recalled.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I also join the gentleman from Southwest Harbor, Mr. Benson in recalling this document. Should by any chance that the amendment to be offered to the document is unacceptable, then I think probably the House will take the proper action, but I don't think we should vote against the recall this morning until we have had a look at it and see what it is going to do. Thank you.

The SPEAKER: For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All in favor of a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the passage of this Order in concurrence. All in favor

of this Order receiving passage will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Bernier, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Buckley, Burnham, Carey, Carrier, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Cox, Crommett, Crosby, Croteau, Cummings, Curran, D'Alfonso, Dam, Donaghy, Drigotas, Dyar, Emery, Erickson, Eustis, Fecteau, Fortier, A. J.; Fraser, Gauthier, Giroux, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Hewes, Huber, Jalbert, Johnston, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Manstaller, Martin, McKinnon, Meisner, Mills, Morgan, Nadeau, Norris, Ouellette, Page, Payson, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Rocheleau, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Susi, Temple, Thompson, Tyndale, Vincent, Watson, Wheeler, White, Wood.

NAY—Bedard, Binnette, Bunker, Cushing, Dennett, Dudley, Finemore, Gilbert, Henley, Hichens, Hunter, Immonen, Jameson, Kellerher, Lee, McNally, Millett, Mosher, Porter, Richardson, G. A.; Soulas, Trask, Wight, Williams.

ABSENT — Berman, Brown, Carter, Coffey, Corson, Couture, Curtis, Danton, Durgin, Evans, Farnham, Faucher, Fortier, M.; Foster, Heselton, Jutras, McTeague, Mitchell, Moreshead, Noyes, Ricker, Ross, Sheltra, Snow, Starbird, Stillings, Tanguay, Waxman.

Yes, 98; No, 24; Absent, 28.

The SPEAKER: Ninety-eight having voted in the affirmative and twenty-four in the negative, the Order receives passage in concurrence.

Tabled Until Later in Today's Session

From the Senate: The following Order:

ORDERED, the House concurring, that Bill, "AN ACT Declaring Procedures for Acquiring and Protecting Antiquities on State Lands" (S. P. 389) (L. D. 1314) be

recalled from the Legislative Files to the Senate. (S. P. 495)

Came from the Senate read and passed.

In the House: The Order was read.

(On motion of Mr. Birt of East Millinocket, tabled pending passage in concurrence and assigned for later in today's session.)

Reports of Committees Leave to Withdraw

Covered by Other Legislation

Report of the Committee on Towns and Counties on Bill "An Act Increasing Payments to Lincoln County Law Library" (S. P. 231) (L. D. 671) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Towns and Counties on Bill "An Act relating to Payments to Franklin County Law Library" (S. P. 182) (L. D. 582) reporting same in a new draft (S. P. 486) (L. D. 1570) under title of "An Act relating to Payments to the Law Libraries in the Several Counties of the State" and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "B".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Senate Amendment "A" (S-238) was read by the Clerk and adopted in concurrence. Senate Amendment "B" (S-239) was read by the Clerk and adopted in concurrence. The Bill was assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors (S. P. 178) (L. D. 580) which was recommitted, reporting same in a new draft (S. P. 491) (L. D. 1585) under title of "Resolve Proposing an Amendment to

the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years" and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
BELIVEAU of Oxford

— of the Senate.

Mr. RIDEOUT of Manchester
Miss WATSON of Bath

Messrs. D'ALFONSO of Portland
STARBIRD

of Kingman Township

MARSTALLER

of Freeport

DENNETT of Kittery

— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Mr. LETOURNEAU of York

— of the Senate.

Mr. DONAGHY of Lubec

— of the House.

Came from the Senate with the Majority Report accepted and the Resolve passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Dennett of Kittery, the Majority "Ought to pass" Report in new draft was accepted in concurrence.

The New Draft was given its first reading and tomorrow assigned.

Non-Concurrent Matter

Majority Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Qualifications of Savings Bank Trustees and other Officers" (S. P. 406) (L. D. 1370) and Minority Report reporting "Ought to pass" which Reports and Bill were indefinitely postponed in non-concurrence in the House on June 6.

Came from the Senate with that body voting to insist on its former action whereby the Minority Report was accepted and the Bill passed to be engrossed as amended by Senate Amendment "C", and asking for a Committee of Conference.

In the House: On motion of Mr. Scott of Wilton, the House voted to adhere.

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing (H. P. 673) (L. D. 859) which was passed to be engrossed in the House on March 12.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Rideout of Manchester, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter**Tabled Until Later in Today's Session**

Bill "An Act relating to Welfare Assistance" (H. P. 687) (L. D. 918) which was indefinitely postponed in the House on May 19.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" as amended by Senate Amendment "A" thereto in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, tabled pending further consideration and assigned for later in today's session.

Non-Concurrent Matter

Bill "An Act Increasing Certain Fish and Game Fines" (H. P. 1204) (L. D. 1531) which was passed to be engrossed as amended by House Amendment "D" and House Amendment "E" in the House on May 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Lewin of Augusta, the House voted to insist.

Non-Concurrent Matter

Majority Report of the Committee on State Government on Bill "An Act Increasing the Salaries of Justices and Judges of the Supreme, Superior and District Courts" (H. P. 258) (L. D. 334) reporting same in a new draft (H. P. 1249) (L. D. 1584) under same title and that it "Ought to pass" and Minority Report reporting "Ought not to pass" on which the House accepted the Minority Report on June 5.

Came from the Senate with the Majority Report accepted and the

Bill passed to be engrossed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, I move that we adhere to our former action.

The SPEAKER: The gentleman from Kittery, Mr. Dennett moves that the House adhere to its former action.

The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I move we concede and concur.

The SPEAKER: The gentleman from Manchester, Mr. Rideout moves that the House recede from its former action and concur with the Senate.

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Ladies and Gentlemen of the House: I believe that we discussed this thoroughly last week. This would give pay increases to the members, the judges of the Supreme, Superior and District Courts, which it seems to me is far beyond what this Legislature should do at this session. I don't want to rehash this in any way, shape or manner; the hour is late for this Legislature and we should be thinking of getting out of here. But I would remind the members of this House that the Justices have fared very very well. This House even without debate passed a measure that looked after their widows very very well. It seems to me there is no end to what they want and I certainly hope that you will reject the motion made by the gentleman from Manchester, Mr. Rideout to recede and concur and ultimately adhere to our former action. When the vote is taken I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: I agree with Mr. Dennett that the hour is late insofar as the session is concerned but today the hour is early. And there is a growing disproportion between Judiciary salaries in Maine and the

earnings of the leaders of the Maine Bar, from whose ranks it is expected that the Judiciary will come. Although there will always be a disproportion it should not be extreme. Any lawyer's highest earning power normally occurs between the ages of forty-five and sixty-five, the years during which he would be on the Court.

The Courts ultimately decide the most sensitive questions in the State, and we can afford nothing but the best. Judicial office in Maine has never been a political stepping stone. Traditionally, once a man leaves his private practice and goes into the Court, his private life and the private practice of law is abandoned. Judges must have salaries adequate enough to enable them to live as Judges, bearing in mind the public image which they have.

The starting salary in Portland, Maine law firms for new lawyers out of law school with no experience is \$10,000 annually. The Supreme Court of Maine now receives \$20,000; the Superior Court—\$19,500 and the District Court—\$15,000.

Now I would submit to you that one reason that the members of the court by and large are older men is not because these appointments are a reward for past service, but because the younger qualified men with growing families being at the highest point in both income and expense will not accept these extremely important appointments.

I ask you to support the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I wish to support Mr. Dennett's statement. There isn't much that I can say that has not been said, with the possible exception that it seems to me that most of our state positions, whether it be in the Judiciary or whether it be in department heads, where the salary is in a lot of our opinions fairly high, I haven't found any very great drive for filling vacancies in these positions.

I will take issue with some of the statements that have been said about making salaries and

jobs attractive to younger men. Possibly some of us who are older are a bit jealous of our experience. I cannot feel that a young attorney has the background and the experience to make as good a judge or a justice as an older attorney. So I don't feel that the fact that most of our justices and judges are older men is entirely because of lack of pay. I feel that there should be some background there. Why is it that so many of our younger attorneys take a whirl at being County Attorney? To get the experience and get the background.

I am not an attorney and not a lawyer and sometimes when I hear some of the debate I am just as well pleased. I suppose it is the nature of attorneys not to agree; otherwise we wouldn't have any court contingents and debate. But two years ago I felt that along with a lot of department heads our Judiciary got a pretty good boost and we are trying this year to hold our cost in this session down to a reasonable amount. I guess we won't be able to. But it seems to me that our judges along with some of our department heads could wait another two years for these fairly large increases which occur when they do get them.

It isn't as though they were getting a seven dollar a week increase across the board; these increases are a pretty good hunk of money, and they were the last time they received them. So I feel that to be consistent we should support our original action and turn down the vote to recede and concur and later adhere.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I do sincerely hope this morning that you will recede and concur with the other branch in adopting this measure. I think most of you will remember correctly before we went home last weekend a rash of amendments were drafted and circulated in this hall readjusting the salaries of the county officers. Now granted there was a considerable amount of debate in trying to readjust the

salaries of the county officers, and certainly I feel that the Justices of the courts of the State of Maine are in a different category than the county officers. If we are going to be consistent by allowing these county adjustments in salaries I see no reason in the world why the Justices of the highest court in our state with the exception of the Legislature could not also receive some kind of an adjustment, because we are depending on these courts to give the people of the State of Maine our own constituents somewhat of a fair trial and fair judgment, and I think probably an adjustment of salary is just as well due to the Justices as they are to the county officers.

So therefore I hope that you will vote for the motion to recede and concur and when the vote is taken I request that it be taken by the yeas and nays, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: Last week we defeated this measure by a pretty good margin and I believe that this House probably feels the same at it did then. I think we should defeat the motion to recede and concur and I think we should adhere. I support fully Mr. Dennett's stand on this measure.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, I would like to pose a question to any member of this House. I don't know as I can recall that I ever saw where any one of our Maine judges or justices has resigned his position due to the lack of not being properly compensated.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, the answer to that question is definitely in the affirmative. I am not going to name names but if the gentleman wants to meet me behind the banner, behind the register, I will tell him very definitely the answer is yes!

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to ask a question from any member of the House, which I think is relative to this, I remember nearly every time we met we raised the prices of the judges' pay and we raised it considerably two years ago, I don't remember the amount. I would like some kind member to tell the House how much we raised them two years ago, and I don't like the idea of every time we meet of having to increase their pay.

The SPEAKER: The gentleman from Enfield, Mr. Dudley poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, the raise two years ago was \$2000.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker Ladies and Gentlemen of the House: I realize there is a good deal of desire to hold back on increases in salaries this year and I think in most of these cases it is warranted. However in this case I feel we should take a look in the other direction.

Yesterday the United States Senate approved the appointment of President Nixon for a new Chief Justice of the United States Supreme Court. This gentleman has one thing that appeals to me tremendously and I know nothing of his background or what kind of a Chief Justice he will make. I do feel, however, that his long experience on the United States Court of Appeals is certainly going to be an asset to him in his service on the highest court in the land.

I feel that as time goes on we should give serious thought to the developing of the same type of justices in the state. At the present time we have three courts. We have our District Courts, our Superior Court and our Supreme Court. From my own knowledge—and it is very limited, of the legal fraternity, I feel that the Judiciary

is a particular and separate and distinct part of that fraternity. I would hope that men who start early in life, in the early ages of life, in the District Court and prove themselves to be satisfactory will be able to eventually work up through the Superior Court and onto the Supreme Court bench. In that way the State will get men of long experience in the Judiciary and possibly develop the top flight people that we should have.

If our salaries do not increase to make it worthwhile for people of this caliber to go onto our court benches we are going to wait until men of sixty years of age take these jobs, and the initial reason in some cases they have taken it is because of the excellent retirement benefits. I feel that any enhancement that we can do to encourage men to go onto these jobs would certainly be worthwhile to the State and I would certainly hope that you would support the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to support Mr. Dennett's motion because at the present time it is my feeling that even if the salaries that are being paid at this time there is a waiting list of these gentlemen who are looking for these positions.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I had hoped, Mr. Speaker, that the motion today would not be cast in such iron clad terms. The discussion has been all about either adhering or receding and concurring. Very frankly I thought that a more productive course to have followed would have been to have asked for a Committee of Conference on the matter.

But be that as it may, I cannot allow the comment by the previous speaker to go unchallenged. There are lawyers in the State of Maine who would be getting a salary increase if they went on the Court and I suppose if there is any waiting list, and I don't know of one,

but if there is one that this is who it is made up of. Now I can think of time and time and time again when highly competent people have refused a judicial appointment. One of them at the present time who is practicing private law, has held a very high position in the Democratic Party organization, and this man refused an appointment to the Superior Court; and many of those who have accepted them, such as Mr. Justice David Roberts, whom I referred to the other day, Mr. Justice Harold Rubin, have had to take a cut or have had to try to project the raising of a family on a very substantially reduced basis than they could expect in private practice.

And I know you don't bleed for the lawyers and I know you don't bleed for the judges apparently, but let me say this. You can't think of a single instance when you have had a judge in here lobbying for a pay raise, and it is our responsibility to recognize that the Judiciary serves a tremendously important function, that they consider it improper, totally improper and inconsistent with their judicial position to be in here lobbying and I think that we have a responsibility to recognize that fact and to let our vote be cast not on some emotional appeal that they are all making too much money anyhow but on an honest analysis of what the facts are. And the facts are that you don't attract highly qualified people to the bench by paying them less or substantially less than they can make in private practice.

And you don't attract young men to the bench and we need young men on the bench, the gentleman from Oxford County to the contrary notwithstanding.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: Mr. Speaker, I rise more or less to refute the testimony that has just been offered by the gentleman from Cumberland, Mr. Richardson. It is very true judges do not come before this Legislature lobbying their own bills, but I would remind the gentleman that actually they

don't have too. They have enough lobbying for them. I wouldn't say they were paid lobbyists; I don't mean it in that respect. But many many members of the legal fraternity do actually lobby for these jurists.

Now I well realize these jurists are capable. I well realize that they all wanted the jobs. I also realize that they have consistently had pay raises session after session. I further would remind this body that they are very well paid persons. Now it may well be that the legal profession is a bonanza and that 25 or \$30,000 a year is nothing and that these judges take a big cut when they take \$19,500 or \$21,500 or whatever the salary will be.

But I would also remind this body that they have privileges extended to them that no other citizen or employee, if we can put it that way, of the State have. They have an excellent retirement which they all look forward to. Their widows receive pensions far beyond anything that anyone else might receive. They are well paid; they are well taken care of in every respect and I don't think for one moment in this hour of our dire need for money that \$80,000 should go to pay judges who are already well paid.

Again I certainly hope you will vote against the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I heartily agree with my good friend from Kittery, Mr. Dennett. I also take exceptions to the majority leader's statement when he said that these young men who are in the legal profession would not be attracted to that judge's position due to the fact there wasn't the right salary attached to it. Well I will say this, no matter how capable a young lawyer is if he doesn't belong to the right party he cannot get in as a judge because these judges are all political appointees.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Members of the House: I deny the last statement, absolutely and categorically. Secondly, as a lobbyist for the judges, not being a member of the bar, one of which I ain't whom, I deny Mr. Dennett's statement. We should have the men regardless of the retirement provisions; we should have the younger men on the bench. How many ex-attorneys general whom we as the Legislature trust to be chief legal aid to the Legislature, how many of them are on the bench?

We should recede and concur on this bill so it can pass.

The SPEAKER: The pending question is on the motion of the gentleman from Manchester, Mr. Rideout that the House recede from its former action and concur with the Senate. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Manchester, Mr. Rideout that the House recede and concur with the Senate on Bill "An Act Increasing the Salaries of Justices and Judges of the Supreme, Superior and District Courts," House Paper 1249, L. D. 1584. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEAS—Bernier, Birt, Boudreau, Brennan, Carter, Casey, Chandler, Chick, Clark, C. H.; Cox, Croteau, Emery, Erickson, Farnham, Faucher, Fraser, Good, Haskell, Hawkens, Heselton, Hewes, Jalbert, Johnston, Kelley, R. P.; Kilroy, Lebel, LePage, Levesque, Lund, MacPhail, Marquis, Mars-taller, Martin, McKinnon, McNally, McTeague, Moreshead, Morgan, Noyes, Ouellette, Page, Payson, Pratt, Richardson, H. L.; Ricker,

Rideout, Santoro, Scott, C. F.; Shaw, Sheltra, Soulas, Stillings, Susi, Temple, Tyndale, Vincent, Watson, Wheeler, White.

NAYS — Allen, Baker, Barnes, Bedard, Benson, Berman, Binnette, Bourgoin, Bragdon, Buckley, Bunker, Burnham, Carey, Carrier, Clark, H. G.; Coffey, Corson, Cote, Cottrell, Crommett, Crosby, Curran, Curtis, Cushing, D'Alfonso, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Eustis, Evans, Fecteau, Finemore, Fortier, A. J.; Gauthier, Gilbert, Giroux, Hall, Hanson, Hardy, Harri-man, Henley, Hichens, Huber, Hunter, Immonen, Jameson, Kelleher, Kelley, K. F.; Keyte, Laberge, Lawry, Lee, Lewin, Lewis, Lincoln, Meisner, Millett, Mills, Mitchell, Mosher, Nadeau, Norris, Porter, Quimby, Rand, Rocheleau, Scott, G. W.; Snow, Starbird, Tanguay, Thompson, Trask, Wight, Williams, Wood.

ABSENT — Brown, Couture, Cummings, Danton, Fortier, M.; Foster, Jutras, Leibowitz, Richardson, G. A.; Ross, Sahagian, Waxman.

Yes, 59; No, 79; Absent, 12.

The SPEAKER: Fifty-nine having voted in the affirmative and seventy-nine in the negative, the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Moreshead.

Mr. MORESHEAD: Mr. Speaker, I now move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Augusta, Mr. Moreshead now moves that the House insist and request a Committee of Conference.

The Chair recognizes the same gentleman. He may proceed.

Mr. MORESHEAD: Mr. Speaker, I also ask for a division and I would like to speak on my motion.

The SPEAKER: The gentleman may proceed.

Mr. MORESHEAD: Mr. Speaker and Members of the House: I feel that even though we do not recede and concur with the Senate that by insisting we could perhaps work something out in a Committee of Conference that would be

acceptable to both sides on this question. I feel that this is a very important matter before the Legislature and that we should give it the consideration of a Committee of Conference so that if any pay raise at all could be salvaged for our judges I think we would be doing these judges a service and the citizens of the State of Maine a service.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: I am very hesitant in rising again but I feel very strongly I must arise and oppose the motion made by the gentleman from Augusta, Mr. Moreshead. We have been all through this. I can't understand this persistency. I feel it is the intent of this body that we stand by our previous action and when the vote is taken I ask, if it hasn't already been asked for, that the vote be taken by the ayes and nays and I trust that you would vote against the motion to insist.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I am quite surprised at the rather adamant attitude of the gentleman from Kittery, Mr. Dennett. Surely he must be aware that the present pay structure that we have is somewhat lopsided and at the very least ought to be examined by a Committee of Conference wherein we have a number of department heads under the Executive Department who are currently being paid larger salaries than the Chief Justice of our Supreme Judicial Court, the head of one of our three equal branches of government. And I surely hope that the House will go along with a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I don't think that anyone, least of all myself, denies that the gentlemen under discussion are fully qualified to have larger pay. But one thing

we must remember here, that we must increase salaries in accordance with our abilities and in many cases things that we would like to do we cannot do because we just don't have the money.

Now I do not feel at this time that we should raise the salaries of the judges or of any department heads because although these sums are small in comparison to our total budget they do loom large in many areas if they were—if these sums could be applied to. These people may need the money but so do the people that pay the taxes and I must say that we as a body represent those poor people who are paying for these things. And ultimately practically all taxes come out of the ordinary man in the street regardless of how we cover these things up, and they are going to foot the bill in the long run.

I do not think that they would favor raising these people's salaries regardless of their qualifications at this time. Most thinking men probably, and women, when they think it over, the job that the judges have to do, the work that is required of them, they probably would feel that a raise would be justified if we could afford it but I do not think that we can afford it at the present time.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: So far as persistency is concerned, I think I am persistent because I feel we have voted wrong. I hope that we will have a Committee of Conference and maybe something can be worked out as has been suggested. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brennan.

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: We have certainly had Committees of Conference on much less serious matters and much less important matters. I think we could pay the courtesy to the other branch to send three people down the hall to at least discuss the matter with them.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am one of those who have steadfastly stayed with the Judiciary and I can see the gentleman from Manchester looking at me now kind of kindly. I think he will probably switch in a couple of minutes. I think we die hard and that is the proper way in this body. Now I also happen to know the gentleman from Kittery, Mr. Dennett, and I have sent him three notes since this debate has started and I assure you that he is no amateur. I am somewhat amazed, I am not talking for or against now, because if I was on my feet here speaking for or against, if I had to choose, I would definitely speak for the bill. However, he is no amateur and when there is a Committee of Conference I assure you that he has somewhat friendly relations somewhere along the line that might wind up with at least one more that will be with him on that Committee of Conference. Then the idea of the bill then going into any compromise—it's dead anyway.

Now I feel in that we must die hard, I feel that the time for the motion to insist would have been after the gentleman from Kittery. Mr. Dennett made the motion to adhere—that would follow up. That is the usual procedure. I have never seen this procedure of waiting until an adhering motion passes, then asking for a Committee of Conference; it is a new one to me. As strong as I feel about this measure, in favor of it, certainly I don't like the procedure and I join my colleague from Kittery, Mr. Dennett.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Augusta, Mr. Moreshead that the House insist on its former action and request a Committee of Conference. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote

yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Moreshead that the House insist. If you are in favor of insisting you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Benson, Bernier, Birt, Boudreau, Brennan, Brown, Carter, Casey, Chandler, Chick, Cottrell, Erickson, Eustis, Farnham, Faucher, Good, Haskell, Hawkens, Heselton, Hewes, Johnston, Kelley, R. P.; Kilroy, Lebel, Leibowitz, Levesque, Lund, Marquis, Marsteller, Martin, McTeague, Moreshead, Morgan, Noyes, Page, Payson, Pratt, Richardson, H. L.; Ricker, Rideout, Santoro, Scott, C. F.; Shaw, Sheltra, Stillings, Susi, Temple, Tyndale, Vincent, Watson, Wheeler, White.

NAY—Allen, Baker, Barnes, Beard, Berman, Binnette, Bourgoin, Bragdon, Buckley, Bunker, Burnham, Carey, Carrier, Clark, C. H.; Clark, H. G.; Corson, Cote, Couture, Cox, Crommett, Crosby, Croteau, Curran, Curtis, Cushing, D'Alfonso, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Evans, Fecteau, Finemore, Fortier, A. J.; Fraser, Gauthier, Gilbert, Giroux, Hall, Hanson, Hardy, Harriman, Henley, Hichens, Huber, Hunter, Immonen, Jalbert, Jameson, Kelleher, Kelley, K. F.; Keyte, Lamberge, Lawry, Lee, LePage, Lewin, Lewis, Lincoln, MacPhail, McKinnon, McNally, Meisner, Millett, Mills, Mitchell, Mosher, Nadeau, Norris, Porter, Quimby, Rand, Rocheleau, Sahagian, Scott, G. W.; Snow, Soulas, Starbird, Tanguay, Thompson, Trask, Wight, Williams, Wood.

ABSENT — Coffey, Cummings, Danton, Fortier, M.; Foster, Jutras, Ouellette, Richardson, G. A.; Ross, Waxman.

Yes, 52; No, 88; Absent, 10.

The SPEAKER: Fifty-two having voted in the affirmative and eighty-eight in the negative, the motion does not prevail.

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, finally I move that we adhere to our former action.

Thereupon, the House voted to adhere to its former action.

Orders

On motion of Mr. Lewis of Bristol, it was

ORDERED, that Alan Kelley of West Southport be appointed to serve as Honorary Page for today.

(Off Record Remarks)

Mr. Dam of Skowhegan presented the following Joint Order and moved its passage:

WHEREAS, the Skowhegan Tourist Hospitality Association, a group of Skowhegan businessmen and individuals, have joined together to promote tourism and goodwill in the Town of Skowhegan and surrounding areas; and

WHEREAS, this group has raised funds on its own for a project which has received recognition in many national newspapers and the medium of television; and

WHEREAS, the project is the construction of the world's tallest sculptured Indian, being 62 feet tall and standing on a base 10 feet in height, and it is recognized as a work of art; and

WHEREAS, the Indian was sculpted from Maine wood, by a well known Maine sculpturer, Mr. Bernard Langlais, who was born in Old Town, Maine and now resides in Cushing, Maine; and

WHEREAS, the statue will be located in the Town of Skowhegan, which bears an Indian name meaning a "Place to Watch"; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Legislature duly recognize the initiative and imagination of the Skowhegan Tourist Hospitality Association in this undertaking to erect a statue to the memory of our early Maine Indians; and be it further

ORDERED, that suitable copies of this Joint Order be immediately transmitted to the Skowhegan Tourist Hospitality Association, in recognition of their outstanding achievement. (H. P. 1259)

The SPEAKER: The Chair understands that the gentleman from Skowhegan, Mr. Dam would speak to his order and the Chair recognizes that gentleman.

Mr. DAM: Mr. Speaker and Members of the House. I rise to extend an invitation to the Members of the House to attend the unveiling and dedication ceremonies of the world's tallest sculptured Indian, to be held in Skowhegan on June 21 at 1:30 p.m. This Indian is carved from wood and is fully decorated and it stands 62 feet tall. Overall it will be 84 feet above the top of the ground when the base is completed.

On Sunday, June 15, this Indian will be transported to Skowhegan on a specially designed flatbed and will be escorted by two bands on two flatbeds and a hundred fifty to two hundred cars including state and local police. There will be stops en route so that the people from the different areas can get a chance to have a first look at our new Indian.

This Indian has been copyrighted and all the profits derived from any sale of cards or replicas will be used to promote tourism in the surrounding area of Skowhegan. This has been accomplished by a group of businessmen and individuals donating their time, some of their money and running different affairs to raise money. This will promote tourism, not only in our area but in all the State of Maine as already from seventeen different states we have had people say they have the tallest Indian. Still we have the tallest Indian in Skowhegan in the world today.

So again I extend an invitation to all of you to attend on June 21 at 1:30 p.m. in Skowhegan when we dedicate our new wooden Indian.

Thereupon, the Joint Order received passage and was sent up for concurrence.

Mr. Lund of Augusta was granted unanimous consent to address the House.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: During the course of debate yesterday on the Home Rule bill I indicated that to the best of my recollection last session there were some thirty bills pending dealing with the City of Lewiston. I was challenged in that statement by the gentlemen from Lewiston, Mr. Jalbert and in checking the record yesterday I find I was in error and would like to take this opportunity to set the record straight.

According to the index last session we did not have thirty bills from Lewiston, but it was twenty bills; and I hope that I haven't done the City of Lewiston and its representatives any serious injustice.

Special Order of the Day

The Chair laid before the House the following matter, which was made a Special Order of the Day for 10:00 A.M.:

Report "A" of the Committee on Public Utilities on Bill "An Act Creating the Maine Power Commission" (S. P. 351) (L. D. 1217) reporting same in a new draft (S. P. 471) (L. D. 1536) under same title and that it "Ought to pass" and Report "B" reporting "Ought not to pass"

Pending question—Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker. I move that we accept Report "B" "Ought not to pass."

The SPEAKER. The gentleman from Hodgdon, Mr. Williams moves that the House accept Report "B" "Ought not to pass."

The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: As a member of the Committee on Public Utilities I have to oppose the motion of my very good friend, Mr. Williams. I believe that my very good friend Mr. Williams, from that section of the state called "God's Country," will have to admit that electrical energy has its uses on the farm today.

I concur with the gentleman from that great industrial hub of Maine, Lewiston, on the banks of the mighty Androscoggin, that people do not want more taxes at the present. What our people need are good sound jobs, paying a living wage, a wage that will enable them to feed their children before they send them to school in the morning.

I have seen my own City of Auburn gain many new industries in recent years, among them General Electric, Tampax, Inc., Pioneer Plastics with sixteen acres under one roof; the list is growing. All of these companies need cheap and abundant electrical power. If we are to compete with foreign imports in varied lines, we have to supply our industries with this power.

I know that amongst you there are many who will say that the present utilities are doing the job. This may be true at the present, but there is a question in my mind as to how long they can continue to do so. After all, the costs of plant investment today are staggering. I cannot believe that our industry can continue to be supplied with power at the present rate of expansion of the private utilities in this state. I believe that all of the good people in this House recognize what the future of industry will demand. It is indisputable that New England is going to need vast amounts of power in the near future. Maine desperately needs power and industry, provided that safeguards are set up to protect our environment.

L. D. 1217, in the redraft L. D. 1536, was designed with the intent to create a Maine Power Commission. This Commission would only study the shortage of power that is facing the State. This proposed Commission would not be authorized to construct power plants and the related facilities, by means of this bill. All the Maine Power Commission would be authorized to do is to study and return opinions and suggestions to the Legislature for action and/or financing. The Commission would be comprised of a seven-man group composed of representatives from public and private interests. The Commission would abide by all rules and regula-

tions of the Maine Water and Air Environmental Commission. The Legislature would oversee and govern all sales of power, eminent domain rights, financing and rate structure. Power developed by any project authorized by the Legislature would be sold to the public, private, and Federal interests, if wanted or needed. I might add that power would be definitely sold to the investor-owned utilities.

Provisions would be made to refund any loss of tax revenues to communities, and payments would be paid to the General Fund of the State. The need for more power in this State is deemed to be great, and if feasible, nuclear power facilities could be used. It has been estimated that the State loses approximately \$387 million each year that could accrue to the General Fund, if plentiful power was available to industry wishing to expand or enter into Maine. Testimony before the Public Utilities Committee by industry representatives indicated that certain segments of industry are already restricted by shortages of available and low cost electric power. The high price of power in Maine is a fact that I believe we are all aware of. Cost and shortage of power in Maine has been a deterrent to the expansion of some industries.

It has also been responsible for the non-immigration of satellite industries that usually accompany many of the industries that have settled in Maine in recent years. Statistics have proven that once industry has lost confidence in availability of an adequate supply of power, it takes from five to ten years to regain the lost trust, after a shortage of power becomes known. Economists have stated that it is a known fact that public power systems have a greater degree of efficiency than private power facilities.

I certainly believe that after studying and hearing the testimony by national power authorities, private power interests, and by economists that we, in Maine, definitely need the Commission that this bill would create. I believe that we should approve of this bill, send it to the other House with our approval, and be thankful that we

have a chance to establish this type of Commission before the horse is stolen out of the stable as the saying goes. I believe that we have the potential to make this a great State, establish solid, reliable industry, build a tax base that we can use instead of these so-called nuisance taxes, and compete industrially with the rest of the country.

This bill does not provide for the construction of any particular power project. It simply meets the needs of our present electrical system as a supplement to our investor owned-utilities; and to allow the public sector to have a say in the future course of electrical development in our state. This bill only creates a commission to study our future needs, to give us a base to work on in our desperate search for new power sources. If we wait, we will lose valuable time that may prove detrimental to our search for industry. We certainly are not going to receive very much help from the Federal Government in the way of developing public power

Speaking of public power, I will remind this august body that in every section of this country, wherever public power has made its debut, industry, wages, the standard of living and all-around benefits to the involved citizens have taken place, on a scale never dreamed of before. I therefore urge a favorable vote for the acceptance of the "A" report.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: A few days ago the gentleman from Ellsworth, Mr. McNally, spoke of the "smelt" bill that runs every year. Like double bottoms, public power is served up every two years. The terms vary, so do the names, but the bill is more or less the same. I can't speak as an expert on atomic energy, or thermal generation, but after serving some years on the Public Utilities Committee, I am able to make a judgment on this power bill.

The proponents claim their whole purpose is to lower the rates of electricity in Maine. Well, I

don't think they can. And you can't get the proponents to tell you what the rates will be — I am sure they have no idea — at least not with any consistency. About forty years ago public power started out with Quoddy. This lasted until Cross Rock came along. Then it was Dickey and Schoolhouse Rapids. Last session we started in on atomic energy. There are three ways the State could lower rates. First is to be more efficient or possess some magic know-how. I think our private utilities, experts in their field, with years of experience, will win any efficiency contest. And if they forget their obligation to operate properly they have the P. U. C. to contend with. The Power Commission rejects anyone looking over their shoulder. No P. U. C. interference here. And I think one thing we don't need is bigger government, more agencies and more employees.

A second way to lower rates is to make the Power Commission tax free. I haven't seen the sponsors of this bill suggest where they would cut any budget to compensate for the lost taxes. The money we are spending has to be raised from one source — the people, one way or another. In fact, in their new draft, the sponsors now suggest that a tax be paid the State for every kilowatt hour. So I don't believe we will save much money here. Let the private utilities pay the same tax suggested here, and I suspect the P.U.C. might lower your electric bill. I should also point out that although the bill seems to say we have a tax of ½ mill per kilowatt hour, it isn't what it means, because it then goes on to say that the tax can't exceed 10% of the gross revenue, and I'm not sure what gross means after reading what they have written.

The third way to lower rates is for the utility to borrow its construction money at a smaller rate of interest. The original bill said not more than 6% money, but the sponsors have amended that provision out — now the rate of interest is any rate the Commission deems appropriate. The real meat of electric cost; labor, generating plants, fuel, and transmission systems aren't going to be any cheap-

er for the State. In all the years I have listened to the arguments that have been made by the "public power" boys I have yet to hear any testimony or see any evidence that convinces me that there is any real basis for their claims. Actually and contrary to their claims, the government has never to my knowledge run any business successfully even though most of them have been subsidized out of your pockets and mine.

Before I point out some of the inconsistencies and defects in the bill, allow me to call your attention to the fact that there never has been, and in my opinion there is not now, any public demand to put the State in the power business. Truthfully, we could have held the hearing in a slightly oversized telephone booth as far as the participants were concerned for not more than ten people testified and only two of those represented what I would call the "public" and both of those were opposed to the bill.

I don't know about the other members of this House, but I haven't had a single one of the folks in my towns ask me to support this bill.

There may be a few ways to save money, but there are also many ways to spend more money, and the most glaring is the authority in this bill for the Commission to duplicate the private utilities transmission system. As I understand it, transmission costs almost as much as generation, yet this bill gives the Commission authority to build and operate a transmission system. I might also add, that although most of the talk is of an atomic plant, this bill authorizes hydro-electric plants as well, and Cross-Rock, or Dickey, or Lincoln Schools aren't beyond the authority of this bill, and if you have any doubt read the section that gives advance approval to the use of State land lying under water.

I cannot stand here without telling you that I am distressed about the vast authority given by this bill to the Commission. There is a good reason why this is known as the "power" bill.

The other day by a vote of 96-42 we turned down the welfare reorganization bill after Representative

Birt estimated it would need 150 new employees; now if that worried you just listen to this. "The Commission is empowered to employ a general manager and such assistants, agents and employees, engineering, architectural and construction supervisors, inspectors, trustees, depositories, paying agents, attorneys and other such employees as it shall deem necessary or desirable to properly perform the duties imposed on the Commission by this chapter and fix their compensation."

We legislators can't issue bonds without going to the people. The power commission can. Private utilities can't set their own rates. The power commission can.

I am no attorney but the way I read the paragraph on eminent domain it scares me. Let me read just enough to convince you that this bill grants powers that no Legislature has ever contemplated giving to any body, either public or private — listen to this: "To acquire by the exercise of the power of eminent domain, any lands, property rights, rights-of-way, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein, or of any persons, copartnership, association, railroad or any other corporation, or of any municipality, county or other political subdivision as to such property owned by them, . . ."

As near as I can see, there is nothing sacred from it; they can take Capitol Park for an Atomic Plant and I suppose they might use the State House for a Sub-Station (unless we're still here trying to settle on a tax bill that we can pass).

We legislators cannot pass laws without the consent of the Governor, unless two thirds of the House and Senate agree. The power commission doesn't have any such worry, and listen to this language: "None of the powers granted to the commission under this chapter shall be subject to the supervision or regulation, or require the approval or consent of any commission, board, bureau, official or agency of the State."

We pass laws, but even these won't apply to the power commis-

sion. Now you listen to this: "All other general or special laws inconsistent with any provision of this chapter, are declared to be inapplicable to this chapter and to any project constructed by the commission pursuant to this chapter." That writes off our entire set of statutes, and in case any court or judge hesitates, the bill says that "this chapter shall be liberally construed."

Now I am sure that the proponents are about to jump to their feet and tell me that this is nothing more than a study bill. I concede that this bill calls for study and no plant can be built without specific legislative approval. As far as more study is concerned, I don't think it is needed. One form of public power bill has been before the legislature five times and every aspect has been presented, debated and reviewed. The 102nd authorized a study that cost approximately \$100,000; a study that was not finished until 1967. It is only two years old and is still available for those who want to read it. Besides what kind of study can you have for \$10,000 when the last one cost us \$100,000? And the same \$10,000 is supposed to pay the salaries of the seven commissioners who are each paid \$50 per day.

What is really being suggested by this bill is that the Maine Legislature adopt the principle of public power; that we endorse putting the State into the power business. By passing this bill we are telling Mr. Keefe of Economic Development to go out and sell public power and when we come back two years from now he'll tell you that the decision is no longer whether to have public power — that decision was made by the 104th — but the decision is only if you like this package or that package. Don't let this word "study" fool you — this is a commitment.

And finally with this commitment made, but no details known for two years, what kind of a situation are you placing the private utilities in? How can they plan for the future when they don't know what the Commission will build? You will create chaos.

Were it not for private enterprise which generates the jobs for the people who ultimately pay the bills

through various and sundry kinds of taxes and were it not for the taxes paid directly by private industry, how could we ever hope to provide the goods and services we believe our people deserve?

Let's encourage the private enterprise "goose" to keep on laying the "golden eggs" and forget about these "now you have it — now you don't" pie in the sky schemes such as this legislation. Let's forget partisanship at least long enough to defeat this bill.

Ladies and gentlemen of the House, in the best interest of the citizens of Maine, I urge you to vote for the motion to accept Committee Report B, and when the vote is taken I request the yeas and nays. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I hope that Dr. Williams reached your ears this morning. I realize his microphone was not very high but I do hope he reached your ears because he enlightened you more this morning than I will be able to this morning. He has given you the basic facts in relation to public power. I will just outline some of them as I see them.

The proposed survey first, that has already been done by private industry and they found that Maine needs more power and they are proceeding to build it at Wiscasset. It is well under way and this would take care of it.

Now I am one of those who believe the State can't run anything and run it right. I am disappointed in the way our other departments are run. Look at how Highways are run and how they come in here and they want many millions of dollars and I feel as though if you give them \$6 million they don't want nothing less than \$20 million. And this is another one of these things that is going to be out of hand as much as anything else that people try to participate in.

They are going to get free money or low priced money but I see just recently where the Federal Government has upped their interest, it is near 8%. I don't look for that to be low priced

power and I don't like the idea of cutting our forests down the whole length of the state and swamping out others, with more big high tension lines the whole length of the state. We will have it all cut down if we keep on, eminent domain, and they make another whole power line the whole length of the State of Maine. We have adequate ones there now.

In relation to industry coming to Maine, I think Maine as a small state has done quite well. One of the speakers told you how many new industries had come to just the Lewiston area alone, and they have also come to other areas. We are making progress in that field. We are also making progress in the field of power and I think that private industry understands what they are doing. They have been working with the problem for many years; they know the problems. It doesn't have to be surveyed again and I don't think you are going to get anything free.

Now if you want cheap power I can tell you how to do it. You don't need no Commission. We have a small power station in my town. It pays around \$40,000 in round figures in local taxes and we have one in another one of my towns that pays around \$60,000 in local taxes. I submit to you that if we could eliminate these town taxes and other taxes that private power could give you pretty cheap power. Most of their cost is in taxation. In other words, I am sure they spend more in local taxes than they do in labor to produce the power. And I remind you that this is the big selling point for public power. They won't have to pay any taxes. And if we would do this same thing to the existing power stations I am sure they could give us the same rate. And I am convinced thoroughly that public power never will be able to produce power any cheaper than it is now being produced by private industry and this I am sure of and hope that you will vote with Mr. Williams to accept the Report "B".

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the

House: I will try to be brief this morning although it might take hours. The reason why I am going to get up and say as briefly as I can this morning that, in less than hours, is what I think is a philosophy that has been adopted and also what we are trying to do here is to get into the philosophy and concepts of integrating public power with private power.

Most of you members of this House and the people in your communities have recognized the benefits that the Tennessee Valley Authority has done for the central part of the country, what the development of public and private power collectively has been able to do in the far west; and now we are in the northeast. The northeast is now the last remaining area where the public utilities are putting their entire resources in trying to indoctrinate or propagandize the general public that they can serve the general public better than what is being done in the central part of the states or in the northwest where all these areas have integrated public and private power.

I think most of you will remember just a few years ago the amount of advertising that was spread out throughout the State of Maine and was further spread out throughout the New England area of what the utilities were planning to do in the development of the Big 11 Powerloop. I think it has been in accepted testimony by members of the utilities that the Big 11 Powerloop that was advertised throughout the New England area was no more than what was being advertised in the local papers. Nothing has ever been done and we are assuming that the 11 Powerloop will never become done.

I think the concept that we are trying to adopt here today is a concept that will have the same functions as the authority that was created that built the turnpike from Kittery to Augusta. Further this concept would not be a final concept. It would bring before the next session of the legislature the feasibility and the logistics of being able to integrate public and private power not only in the State

of Maine but in the entire New England area.

As an example as to how this would benefit our own state, we have a Maine industry that is paying \$300,000 per year in utility rates. A comparable and the same identical company in Idaho is paying only 50% of what the industry in Maine is doing. So the example there is, and has been throughout the entire country, that when you integrate both public and private power in a system you are in actuality reducing the rates. As you very well know and have heard for several years Maine has been the highest rate paying state in the country with the exception of Alaska. An example of that, in 1959 Vermont was paying the highest utility rates in New England and as late as 1964 when they joined the public and private power concept their rates were the lowest in New England. So you have an example here with one state in the New England area that has adopted the philosophy that if you join both concepts there is a reduction in rates.

The objections that were raised here this morning are somewhat local for the protection of some industries in their own localities. I think it has been fairly well affirmed that the utilities are paying taxes to the government of our state. I would like to bring to you this information that I think is very pertinent to this argument this morning. Assuming that the plant at Wiscasset is going to cost in the vicinity of 125 to possibly \$150 million; assuming that the tax money to be raised in the town of Wiscasset is 2, 3, 4 or \$500 thousand per year, the valuation of the utilities in that particular area would not pay any more taxes than they would have to be raised for the town of Wiscasset.

In the document before you if the concept is adopted the amount of money that would be returned on the concept of from 1 to 10% of the gross receipts and part to be used towards the lowering of the school subsidy's share to our local government. I think possibly the Democratic Party platform has adopted the philosophy at least for

the last seven or eight years that this combination of public and private power would be ideal for the State of Maine. The Democratic Platform has been covering this now since at least 1961 and I think justly so that the people of Maine in their reaction to the creating of public and private power would be justified if the authority for the commission would be granted for them to report to the next legislature on a project. This would again have to be voted by the members of the Legislature to adopt any project or any concept that they might be able to put together.

So principally what we are debating here this morning is the same fight that went on when the Tennessee Valley Authority was created, when the development of the great northwest, and when the New York Mohawk Company fought the establishment of a public and private power concept in the State of New York.

Now granted this will be for you people to decide as to whether we should adopt the concept that has worked jointly in almost all the other areas of the country with the exception of the northeast.

I will cut this brief right off here with the thought in mind that some of you might have something to add to this, that I don't want to be too long on it, so I will cut it here and if there should be any further questions I may add to what I have already said. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, in light of what you are saying, it might also be pointed out that in the rear of the Hall of the House are the members of the very powerful lobbyists dealing with so-called private power in the state.

Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the gentleman from Auburn, Mr. Emery, this morning in hoping that we defeat the Report "B," the "Ought not to pass" Report. The people of Maine have learned to live with the vagaries of the weather. We know that

there is little that we can do about it except wait. But we have learned to accept what we get and not to complain too much. And for a long time in the State of Maine, we have put up with the operations of private electrical utilities in this state in the same way that we accepted the weather. We thought that there was little that man could do about the price of electricity and its adequacies and its reliability until we discovered that other sections of the country have begun to receive the benefits of public participation in the utility business. We saw that when you open the doors to the public interests and let some fresh air to the vacuum of the planning of power, that things started to change.

In 1965, myself accompanied by many many other members of the House, members of the other body, Governor Reed and many others from this state, went to Washington and listened to the testimony that was given before the House Committee on Public Works on the Dickey Project and I well remember the President of Central Maine Power, William H. Dunham, who told us at that time, "We have never been so little or too late with any of our power." Maine and New England according to Mr. Dunham did not need Dickey because the private utilities of the region would continue to maintain that record. There are many of us who had doubts with that statement in 1965.

The Big 11 Powerloop did not seem very big and the utilities couldn't tell us about their plans that Mr. Dunham was asking the House to rely on his long-range planning. The Committee did not take the word of the power companies, but we have been forced to because the power companies have succeeded in blocking that project. And now Mr. Dunham is on the other side, the other side of the fence. In 1965 he said we don't need Dickey, it is too late and it is too little. In 1969 Mr. Dunham is saying that the Big 11 Powerloop is running behind schedule, and 1970 will be the tightest period of power supply facing New England. The private utilities have now

gone to the Province of New Brunswick in Canada for the extra power they need for 1970 and 1971 and they must have the transportation line through the State of Maine by December 1, 1970.

Mr. Dunham now says, "That time is of the essence and running shorter every day," and this is only four years from the time that he told the House Committee that Dickey was too little and too late.

Let me illustrate the point one step further and I will, for the basis of comparison, be willing to use the figures given to us by the power utilities of this state. Dickey would have produced 800,000 kilowatts of which 120,000 kilowatts would have been base power and of course the 120,000 kilowatts would have remained in Maine. The remaining would have been peaking power available to all of New England.

The Maine Utilities argued that the most that Dickey could possibly leave was 10% of its power in the State of Maine. I might point out to you that 10% of 800,000 is 80,000 kilowatts.

Let's take a look at this transmission line that is so badly needed and that Mr. Dunham himself will tell you that if we do not have it by 1970 that all of New England could be caught in a very serious power shortage and these are his words, not mine and not those of so-called public power advocates. This line which would be a 345 KV line from Fredericton, New Brunswick to Wiscasset would be constructed before January 1, 1970 to bring to the State of Maine 300,000 kilowatts of power, but it would not be for the use of Maine people. It would be for the use of power utilities in southern New England, and of that 300,000 he himself will tell you that 26,000 kilowatts is all that would be left in the State of Maine to be used from this 300,000 kilowatts. If this is Maine's share of 300,000 kilowatts, to me it certainly is a heck of a lot less than 80,000 that they, in 1965, argued was too little from Dickey. And these are using his figures, not mine, because at that time I argued that you would have more than 10% left in Maine.

The construction of Dickey Dam would have given the people of

this State an opportunity to see the difference between the cost of public power and private power. The long-range planning for Maine's electrical needs involves the health and the welfare of the entire state and if you think that the utilities of the state have been concerned with the effects of nuclear thermo-generating heat from the plant in Wiscasset, look at the record and you will find that nothing has been done to guarantee the safeguards or the possible effects of the nuclear reactor there. There is nothing in any planning that they have done anywhere in this state which shows that they have been concerned with environmental improvement or the health and safety of the citizens of this state. But more, they have been concerned with one thing, the profit that the people who own the stocks and the bonds will make, not a concern for Maine people.

The adequacy of the supply of power and the reliability of service to the people of Maine, to say nothing of its cost, will help determine the future economy of this state and its merits as a place to live and to work. The power and the influence of the electric power utilities have not all been used at the kind of restraint and sensibility to the public interest that we have a right to expect. The Maine Power Commission could give to the people of Maine reasonable hope that they could use in the years to come.

The gentleman from Madawaska pointed out to you that there is one industry in this state that the cost is \$300,000 alone for power. That industry is a subdivision of Symport, located in Aroostook County, Maine Potato Service in Presque Isle. Its cost in electrical cost alone is \$300,000 a year which they pay to Maine Public Service. They have a plant just like it in the State of Idaho and their electrical cost is \$150,000. Now if you believe, if you believe that \$150,000 doesn't make a difference as to whether or not a company will locate in this state, I don't see how the reasoning follows.

Let us take a brief look at the comparison of rates in Maine. Some people will say, "Oh, we don't pay much here for power in Maine."

All you have to do is take a look at any book that is produced from the Federal Power Commission on the federal rates in New England, of the rates across the country and you will find where we stand. We don't stand at the bottom of the list, we stand at the very top. To show you an example, this is for average, residential electrical bills as of January 1, 1966. The U. S. average for 250 kilowatts of power in the United States was \$7.34. In Maine, \$9.03, or 23% above the national average. If you compare this to the State of Vermont, the only state in New England that has taken a chance and an opportunity that it had before it to combine with the New York Public Power Authority, in getting some of its power cheaper, you will find that there it is \$7.37, or only 4% higher than the national average. Of course, if you compare this to the western coast, you find that the State of Maine is some 100% higher than it is there.

This bill, the Maine Power Commission, as we have before us, does not give unjust powers to an unjust body. It sets up a commission whose powers would be to study and to investigate the power needs of this state. And if the power utilities will tell you that the needs are being planned and that they are being met, read the record, read the comments made by the President of the Central Maine Power, and you will find that this is not so. But this commission would be in a position to recommend projects and this very Legislature or the next Legislature would be the one that would approve the projects and none would be built without the approval of this Legislature. It is time I think that the State of Maine did something to lower the cost of electricity to the consumers of the state, both residential, consumer and industrial, and I hope that the motion for the "Ought not to pass" Report is defeated and that we will accept Report "A" and go along with the gentleman's motion from Auburn.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Members of the House: I will be

brief. In spite of the fact that this type of legislation as Mr. Williams has said, has been before the Legislature several times, Legislatures controlled by both parties I might add, and has failed each time, the Public Utilities Committee spent a fair, reasonable and considerable period of time on this bill, particularly because of the scholarly and sincere presentation by its sponsor, the good Senator Violette.

Now I suppose we could argue the two sides of this thing for hours on end, but to me, I just can't see the State of Maine setting up a new bureau, even with only a \$10,000 cost, to establish Maine in the electric power business. I suppose if all the "ifs" were removed from this bill, a non-tax-paying, non-stockholder organization could produce cheaper power. This only stands to reason. But the "ifs" outweigh this dream at the end of the rainbow.

Utilities of course, by law are required to service the public in return for an exclusive territory. They are regulated by the Public Utilities Commission, and they can charge the public only what it costs them plus a reasonable rate of return, and the Public Utilities Commission even regulates this.

The inescapable conclusion, therefore, is this, and it is a matter of basic economics—each customer lost by the private utility means that this income must be made up by someone else or there will be a rate increase to all of us. This bill specifically would allow the Power Commission sales to the United States agencies and Canadian Provinces. This obvious spiral means simply this:

Public and private power cannot compete in the same area or private power companies will not survive. There is no place anywhere in the United States where this mixture works. Ultimately, private power phases out and you are left with only public power. This is just like trying to mix oil and water, if you will forgive the expression.

Since the original out-of-state promoters put in this type of a bill back in 1961, look what has happened. The Federal Power Com-

mission has just announced that the highest power rates in the country are not in New England but in the middle Atlantic states. New England has enjoyed a \$41 million rate reduction since 1966. Maine Yankee is well on its way, as we have all seen some time ago, with the lowest cost atomic fueling. The tie-in with the New Brunswick and the R.E.A. is imminent, putting us in the middle of the New England electric system. We are no longer at the end of the line.

Years of experience and the expertise in a highly complicated field cannot and must not be quickly replaced by us with a new state agency which will raise and spend millions of dollars without paying fair taxes and without Public Utilities Commission regulations whatever for the protection of the public.

One final example: If Central Maine Power Company would play the same rules on taxes as it appears on top of page 11 of the new draft, then they would be paying the Town of Wiscasset, not including the Atomic Plant, the sum of \$2,000 a year instead of \$550,000.

This bill was not in the best interest of the State of Maine in 1961, nor in 1963, nor in 1965, nor in 1967 and it is not in 1969, and I urge you to support Mr. Williams and accept Report "B", the "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: Certainly one of the most important problems that faces the State of Maine is continued industrial development. I think it is no accident that the proponents of this bill to this date have been mostly from Aroostook County. I think this comes about because of the fact that the problem of industrial development in Aroostook County is probably the most severe in the state, and I have worked at industrial development on a local level and on a county level in Aroostook and you don't have to work in the field very long before you realize that in an attempt to bring an industry now located out-

side of the State of Maine into the state that you face very severe limiting factors.

In the case of Aroostook County in addition to the high electric costs, you will face a geographical problem which has to be overcome. And I think it is significant that most people who have worked very actively in industrial development, before long realize that in New England we are subsidizing public power throughout the entire United States that gives these areas a competitive advantage over us. I can cite at least two instances where my own community worked very closely with potato processing plants, only to lose them in one case to Idaho, in another case to Washington, and a determining factor in both cases was the high cost of electricity. I do know that a person who is really committed to accelerating the industrial development of the State of Maine at some point is bound to come to an acceptance of the principle of a subsidy to give the state a competitive edge, if possible, in offering at least one of the factors of production at a competitive cost.

Now in addition to the fact that people who have been involved in industrial development realize the importance of this, I do think that perhaps we should examine the argument that you are here in a situation of free enterprise vs. government operation. I submit that such is not necessarily the case because I think what you have is government operation vs. a regulated monopoly, and I for one do not find the record of the public utilities in the State of Maine impressive as far as their anticipation of the growing needs of electrical power in this state.

I think again that perhaps the people in Aroostook County have a different viewpoint on this because we have the example of the adjoining province of New Brunswick which is public power. I well remember that when the Beechwood project was suggested on the St. John River various spokesmen for the public utilities in the State of Maine viewed the whole project with alarm as being unnecessary capacity and an exam-

ple of the folly of public planning by the public sector of New Brunswick.

Similar arguments were heard when the Mactaquac project at Fredericton was suggested and I can recall at the time the spokesman for the Maine private utilities indicating that the project was ill timed, that the day of hydroelectric power had gone by, it was going to be supplanted by atomic power and similar arguments. Mr. Dudley I noted deplored the fact that trees were being cut down to make right of way. I would suggest that the trees are being cut down to create a right-of-way to allow the private utilities of the State of Maine to tap the public power that was developed in Canada, largely because it was a failure on the part of the private utilities in the state to adequately plan for the power needs of the state. We all enjoyed the trip down to Yankee Atomic. I would suggest that Yankee Atomic perhaps came into being because of the threat of the advent of Lincoln-Dickey.

So for these reasons I am going to join my colleagues from Aroostook County in supporting the concept of public power. I think it is long overdue in the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Members of the House: Not too many years ago, if someone had suggested that I would be speaking on behalf of public power, I would have suggested that perhaps he should have his head examined. However, after examining the facts and figures there is little question in my mind that this a natural for the State of Maine.

One of the first questions that came to my mind was what effect public power has had in other sections of the country. And contrary to the remarks of a previous gentleman it was a pleasant surprise to discover that not only had those sections enjoyed industrial growth, an adequate supply of power and lower electricity costs, but in addition to all of these benefits the existing public utilities not only survived but continued to prosper.

I would not for one minute suggest that passage of this bill today would mean lower electricity costs tomorrow, but passage would set up an authority, representing the various segments of the power industry, both private and public, which would be empowered to study the power needs of our state, to make such recommendations, studies and plans felt in the best interests of the state, and to present these plans to the Legislature of the State of Maine for their approval.

There have been many questions raised as to conflict between public and private power and it is my conviction that there is ample room for both with the public sector providing a valuable supplement to the efforts of our investor-owned utilities in providing dependable, low cost power to the people of the State of Maine.

Now the issue of taxes or the lack of them has been raised and I would submit to you that a return to the State of Maine of up to 10 per cent of gross revenues from the sale of power would more than offset any local taxes that might be paid by a private corporation.

In closing I would like to point out the passage of this bill will set up a commission designed to accomplish the following things:

Number 1. Assure an adequate supply of power at all times for the citizens of the State of Maine.

Number 2. Provide a supply of power adequate to meet existing industries' needs and also those needs of other industries desiring to enter our state, and

Number 3. Provide this supply of power at possibly lower costs than we presently enjoy.

Do all of these things and at the same time benefit our present investor-owned utilities. I for one do not think that profit is a dirty word.

The question really is not public power vs. private power but rather is this bill good for the State of Maine, and I am convinced that it is and I hope that you will vote against accepting Report "B".

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Bernier.

Mr. BERNIER: Mr. Speaker and Ladies and Gentlemen of the House: At the public hearing before the Public Utilities Committee, that was the longest hearing of the whole year and the whole thing amounted to just two things. Those opposed to this bill did not go for eminent domain to acquire utilities, nor did they want to compete with a public authority or a commission for customers. Well the sponsor of the bill saw to it that a new draft was made and in the new draft these two objectionable features have been deleted. So now why all this argument if the public utilities or private or cooperative utilities are in agreement that the idea, the principle of public power or if you wish of a commission is good, the only features they objected to was the eminent domain and their selling to private customers.

I don't see why now we cannot go ahead and accept the bill as it is. Why should we accept less than the best? We look around and every state but ours goes ahead. Year after year, or rather every ten years they take the census and what do we find? Maine is still in the same old rut. We haven't gained, true we haven't lost; we have nothing to lose. When will we wake up? How much longer will we stand here and listen to the old chestnuts that resounded here in this Hall in '61, '63, '65, '67, when will this stop? When will we come to our senses?

This is a new era. This is a time to go ahead. Maine is behind times. Please let's get together, forget party lines as my good friend, Mr. Williams from Hodgdon said. It is the first time that Mr. Williams and myself are on the opposite sides and I am sorry to see it this way but I believe that Mr. Williams as well as many other members of this House are thinking in times past. They have made up their minds; they refuse to change. Times have changed; change with the times. Let us go ahead with the rest of the country.

One man has mentioned that the geography might have something to do with the cost of rates. I say that in Vermont the geography and the cost and the obstacles for transportation of power is worse

than ours, and still they compete with us in a most fair way. In fact I believe we are 20 per cent higher in rates. Now if that is the only argument left I see no reason why we should not refuse to vote for Report "B", so I ask for your cooperation and I will leave you with these words.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would be both remiss and regretful if I didn't talk on this subject as a strong opponent of any government getting into any business that it doesn't have to. I cannot talk with the knowledge of Mr. Williams of Hodgdon; I haven't been here long enough in the House. I am not going to particularly cite history. I am just appealing to common sense.

I suppose if we should send a dollar to Washington and they would send us back 80c, we should feel pleased. What is the value of public power if they are only going to take our tax money out of one pocket and deduct it from our electric bills? I fail to see where the proponents, so-called, of public power feel that their commissioners, the employees of the state government and the commission, can any more brilliantly administer power than the people whose very jobs and livelihood are going to depend on showing a profit. Most government business is conducted on a cost plus basis. We have learned that long ago.

I said two years ago and was quoted in the paper, possibly partly erroneously, that most governments are on the red side of the ledger. Of course they are! All government expenses are—I was quoted as saying a liability—and in a way it is. It is not particularly an asset. We have to have government. We should try to keep government down as much as we can. I know from the past year during the campaign I stated with a lot of other candidates that we should have less government at every level if we possibly can. I felt that possibly we could do away with a smaller legislature

and I went along with it, but we were defeated.

They speak about the Tennessee Valley Authority. I still maintain that every one of us are helping pay for that lower tax rate produced by the Tennessee Valley Authority.

They mention the cheaper power on the west coast and the Northwest where they have those big hydro projects. I admit that it is cheaper power, it is government power, but why? Because power is a by-product. Those huge projects were built by the government because they were too big for private industry to handle and most of them were surveyed by the government engineers, they took hundreds of millions of dollars, and most of them were flood control projects and irrigation projects. While they had the dam there, of course they should have a hydroelectric by-product and of course they can produce that cheaper than you can build a whole installation and produce power. I maintain that this bill, like one of them in the last Legislature, is just another attempt to get the foot in the door.

It is easily stated that all it is is a study and that we will have to have another session to put teeth in it. If it has no teeth in it, why bother with it?

The eminent domain feature I understand has been removed. That was definitely very objectionable.

Without going into any other details on it, I have read the whole bill, I have read the one two years ago and I see a very similar authorship.

Two years ago I asked a question and nobody really gave me a good answer and I don't believe they still can, as to where are really the proponents of public power. I maintained two years ago that the chief proponents were the monied interests of out-of-state that want to invest money, the specialists, engineers, the industrialists who want to sell industrial equipment to put into these projects, et cetera. It certainly is not the average householder or the

average housewife, at least not in my area.

Two years ago I placed a question on my brief radio program which I had each week, asking for comments. As I stated then and I will state now, I had one person in my district that asked me to support public power. One person sent me a postal card and suggested that he thought it would be a pretty good idea. He had a small store. No one else asked me to support public power. Now those are the people that elected me, those are the people that I asked how I should vote, and until those people say I think we should have public power in the State of Maine, I shall most certainly fight it no matter whether it is in this type of bill or whether it is in a bill to build a nuclear plant, and I certainly hope that we will vote with Mr. Williams for Report "B".

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly again this morning. I think probably the story that we are continuing here today is the same story that has been throughout the country when public and private power were to be joined together for the benefit of the general public. If we are to assume that what is happening in our own State of Maine with the utilities they are contemplating a high line with the public powers of the country on our north and northeast and the Province of New Brunswick, why is it that we in Maine fail and feel so reluctant in authorizing our own State to venture into this area for the benefit of our own people?

If the public power interest of New Brunswick, Canada is good enough for the utilities of the State of Maine and for the New England area, why should the utilities of our own State fight a concept which we are trying to adopt here this morning? We find that the Federal Government, your government and mine, has invested somewhere in the vicinity or even over the \$2 billion mark in developing atomic energy for power sources. If the

private utilities are able to use this kind of money, which is government money—your money and mine, in the producing of cheaper electricity, then why should they so fiercely object to integration of the two systems?

The gentleman from Manchester, Mr. Rideout, has pointed out that the private utilities "will not survive" in the face of integrated public and private utilities. Nowheres in our country have any private utilities not benefited from the integration of the two systems. Every public utilities system in our country that has joined the public development of hydroelectricity has benefited and grown. I don't know what the political implications would be but I assume if we took the same steps as the State of New York has taken, and also the Republican Governor of New York with a Republican Legislature has taken in the philosophy of public and private power, that we as Democrats in Maine should take an opposite view, because normally political aspects are that if one party advocates one thing then the other party objects to it. If that would be the case, then the State of New York would be all wrong and we Democrats in Maine would be all right, although the State of New York has adopted the philosophy of public and private power. By that same philosophy the State of Vermont has adopted that philosophy, and I fail to see that there are any great majorities of Democrats in the State of Vermont.

I think it is probably fair for us to assume this morning that the utilities, because of their limited funds, are unable to put together the size of projects that is sufficient to operate economically. We find right here in the Town of Wiscasset a plant that is going up and because of the limited funds of the utilities have had to go into the entire New England area to have a sufficient amount of money to put the project into being, and I understand that the amount of money invested in the plant at Wiscasset is fifty-fifty. The amount of power that is going to remain in Maine is going to be somewhat less than fifty-fifty.

The previous gentleman, Mr. Henley, has pointed out that the answers that he had posed before the Legislature a few years ago failed to be answered. Because of his strong feeling of the utilities, I don't think any satisfactory answer would be good to answer all his inquiries, because I think his mind is completely made up and no amount of answers, whether satisfactory or not would satisfy the gentleman.

I think the members of this House this morning will vote the conscience of their own minds and I think will support the philosophy and concept that we in Maine need an integrated system and I think the sooner the better because we have heard over the years in the State of Maine the old adage that we grow with Maine — the utilities have advocated that we grow with Maine. If the same utilities would apply the same philosophy as the amount of money they have expended in opposition to public power, then they should in good judgment, we will help Maine grow and not try to keep it on the status quo.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: There are a few facts in regard to this private power and public power that hasn't been brought out here. I will speak directly to Washington County. As you all know during the drought period the Georgia-Pacific Mill which generates a good deal of its own power, and depends upon the Eastern Electric Cooperative to supply them with additional power. When the St. Croix River went down below a minimum level they couldn't generate their own power. At that time they called on the co-op in Calais to supply them and they didn't have the facilities. They tried to tie in with Bangor Hydro which refused to do it.

In checking out the thing at the time, I found that the Cooperative had made applications through public utilities to tie in with Bangor Hydro to supply additional power in case of emergencies. This wasn't done and during the

pending of the case before Public Utilities an emergency call was sent to Washington. The Navy was going to send a big diesel power plant up there by flatcar to supply the Woodland Mill with the power. Now all of this controversy is going on and neglecting the people working in the Woodland mill. There is over 1200 people employed there. This meant that these people were laid off pending the arrival of adequate power.

Now all of this talk between the public utilities and the private utilities that we have heard in the past six or seven years, that the private utilities can do this, that and the other thing, I wonder how they arranged to go over into New Brunswick at the finish of the Mactaquac Dam over there which is set up on public price, public money and public power. They have gone over there and the lines are drawn, I have seen the map where they are going to cut the road down across the State of Maine to bring in the high powered lines. There is no question in my mind that it is the reason why we lost in Robbinston a \$90 million plant for lack of power.

In Waite, Maine there is a hardwood lumber company up there that ships out hardwood to all parts of the United States that is used a good deal in the southern part on ship building. Carl Friel told me that he couldn't get enough generated power to expand his mill to take care of two Navy orders. Now if this is so, and I have no reason to doubt these people or what they have told me, there is no question but what Washington County has been suffering from lack of power. In Machiasport there is a question of power there and the outfit that wants to set up the oil thing is going to manufacture some of their own power. And there is a lead line to be brought in from the western end of the state in the future to tie into that area to supply additional power.

All of these things are going on but nobody tells us who does the suffering. The ones that are suffering are our growing up children who marry and have no jobs and

have to leave the State of Maine. There is no question that Washington County with a population of 61,000 is now down to 32,500. These things are causing migration while we debate them up here and draw conclusions one way or the other. There is no question, Mr. Speaker, that this thing has got to be done and has got to be considered and it has to be effective and done by this Legislature.

Mr. Williams of Hodgdon was granted permission to speak a third time.

Mr. WILLIAMS: Thank you, Mr. Speaker. Mr. Speaker and Members of the House: I will be very brief. I would just like to point out one thing. All the cheap power that has been talked about here, the Tennessee Valley, the Columbia Basin and the St. Lawrence Canal were all national projects and every member in this House put his hand in his pocket and helped finance these things. The people of Vermont have been praised for their public power project but their geographical position puts them close to the St. Lawrence Canal, one of these finance things, and they are just feeling the benefit of that. If Maine had been in Vermont's position no doubt we would have accepted the surplus grant.

Now this bill we are talking about is for Maine people only, the people in Vermont and the Tennessee Valley and the Columbia Valley don't intend to help us out a bit on this. We are right on our own. Now I live within three miles of New Brunswick and I realize they have public power, but if you people would just stop and take a look at the taxes they are paying in New Brunswick you would thank heaven that we haven't got public power in Maine. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: A few comments about some of the remarks that were made in opposition to the bill. One of them made by the gentleman from Manchester, Mr. Rideout, when he pointed out that many states that had public power it was not working

out and that you just didn't have public power and private power together.

I would point out that in 1966 when Governor Rockefeller and other people in the State of New York worked with private power to set up a New York Power Authority it was done in cooperation with both private and public power and that the president of Consolidated Edison in New York will tell you today that they are working under a project now where they would construct a large nuclear plant on Lake Oregon which is a site that was purchased from Niagara Mohawk, an investor-owned utility, a private utility, and it will be built by the New York Power Authority in cooperation with private power. This is how it can work; it can work together and it is about time that Maine got into the picture.

Now the gentleman from Manchester also indicated to you that we are going to sell power in Canada. We have no reason to sell power in Canada; they don't want our expensive power. They can produce power a heck of a lot cheaper than we can and have been doing so and that is why we are going to Canada now to buy power. The purpose of having it in the bill is to provide an interchange between New Brunswick and the State of Maine and the other areas to prevent such things as happened in New York, a blackout, where power could be transposed from one area to the other when the need arose without necessarily power actually being purchased.

I would hope that you people would vote against Report "B" and then that we would vote in favor of Report "A", the "Ought to pass" Report

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: In conclusion I will say that by accepting the Report "A" I believe eventually that all of Maine can have an economic future that could be very bright indeed. The low cost, public financed electric power projects could be intercon-

nected with privately financed electric power projects to the betterment of all citizens of Maine.

Maine's natural resources, including mining, could be developed and Maine's long seacoast could become one of the greatest shipping areas in the nation. All of this could be done while retaining and improving the exceptional livability features of Maine's great outdoors. It is Maine's time to move forward and electricity can pave the way. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Hodgdon, Mr. Williams that the House accept Report "B" "Ought not to pass." The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Hodgdon, Mr. Williams that the House accept Report "B" "Ought not to pass" on Bill "An Act Creating the Maine Power Commission," Senate Paper 351, L. D. 1217. If you are in favor of accepting the "Ought not to pass" Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Barnes, Benson, Berman, Birt, Bragdon, Brown, Buckley, Bunker, Carey, Chick, Clark, C. H.; Clark, H. G.; Corson, Cox, Crosby, Cummings, Curtis, Cushing, Danton, Dennett, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Foster, Gilbert, Hall, Hanson, Hardy, Harri-man, Hawkens, Henley, Heselton, Hewes, Hichens, Immonen, Jameson, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Lee, Leibowitz, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, McNally, Meisner, Millett, Moreshead, Mosher, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Rich-

ardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Stillings, Susi, Thompson, Trask, Tyn-dale, White, Wight, Williams, Wood.

NAY — Allen, Bedard, Bernier, Binnette, Boudreau, Bourgoin, Carrier, Carter, Casey, Chandler, Cote, Cottrell, Couture, Crom-mett, Croteau, Curran, D'Alfonso, Dam, Drigotas, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Fraser, Gauthier, Giroux, Haskell, Huber, Hunter, Jalbert, Kelleher, Keyte, Laberge, Lawry, Lebel, Le-Page, Levesque, Marquis, Martin, McKinnon, M c T e a g u e, Mills, Mitchell, Morgan, Nadeau, Ouellet-te, Ricker, Rocheleau, Santoro, Starbird, Tanguay, Temple, Vin-cent, Watson, Waxman, Wheeler.

ABSENT — Baker, Brennan, Burnham, Coffey, Fortier, M.; Good, Kilroy, Ross, Sheltra, Snow. Yes, 83; No, 57; Absent, 10.

The SPEAKER: Eighty-three having voted in the affirmative and fifty-seven in the negative, Report "B" "Ought not to pass" is ac-cepted in non-concurrence and will be sent up for concurrence.

The SPEAKER: The Chair re-cognizes the gentleman from Man-chester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, having voted on the prevailing side, I would ask for reconsideration.

The SPEAKER: The gentleman from Manchester, Mr. Rideout, having voted on the prevailing side, requests that the House reconsider its action whereby it accepted the "Ought not to pass" Report.

The Chair recognizes the gen-tleman from Madawaska, Mr. Le-vesque.

Mr. LEVESQUE: Mr. Speaker, I request that the reconsideration motion be tabled for one legislative day.

Whereupon, Mr. Richardson of Cumberland requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of the reconsideration motion being tabled until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

58 having voted in the affirma-tive and 79 having voted in the

negative, the tabling motion did not prevail.

The SPEAKER: The pending question is reconsideration. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 48 having voted in the affirmative and 88 having voted in the negative, the motion to reconsider did not prevail.

The SPEAKER: The Chair will ask the Sergeant-at-Arms to escort the gentleman from Brewer, Mr. Norris to the rostrum to preside as Speaker pro tem.

Thereupon, Mr. Norris assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

Passed to Be Engrossed

Bill "An Act relating to the Employment of the Handicapped" (S. P. 487) (L. D. 1571)

Bill "An Act to Create a State Housing Authority" (S. P. 488) (L. D. 1572)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

After the Third Readers that had not been set aside had been disposed of and before consideration of the following item, Speaker Kennedy returned to the rostrum.

SPEAKER KENNEDY: The Chair thanks the gentleman from Brewer, Mr. Norris for serving as Speaker pro tem and can only say — you're a stronger man than I am, Gunga Din!

Thereupon, the Sergeant-at-Arms escorted Mr. Norris to his seat on the Floor and Speaker Kennedy resumed the Chair.

Bill "An Act to Regulate the Removal and Disposition of Certain State-owned Objects and Specimens" (S. P. 489) (L. D. 1573)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Members of the House: This bill came out of the committee with an eight to two "ought not to pass" report. This was a rewrite of two bills that were before the committee. We heard endless talk in the committee from rock pickers and skindivers, all proposing to help the State of Maine, but it seemed to me they were all proposing to help themselves. I think if we pass this bill, which doesn't have any appropriation tied onto it, that we will find in next year's budget an appropriation to hire a good many inspectors to enforce what we are providing for in this bill.

We can't disagree with the object of this bill in keeping some of the things for the State of Maine that might be found on state-owned lands, but I don't think this is the bill to do it. I move for the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: Particularly with all the talking that has gone on here this morning I am very reluctant to rise again and add my voice to the multitude. But I must rise in opposition to the motion made by the gentleman from Freeport, Mr. Marstaller and attempt to explain what this bill attempts to accomplish.

This covers objects, antiquities, in most cases in the State of Maine Indian artifacts that are found upon state-owned lands. It does not extend at all into any private domain, but simply are those that are found on state-owned lands, they become for all purposes the property of the State and the State Museum acts as trustee. Now I can see nothing wrong with this bill and I think if you will give it some thought you cannot see anything wrong either.

While we do not have much in the State of Maine of any great value as far as these antiquities are concerned, yet if they are allowed to fall into hands of dealers and people who seek to sell them and disappear from the State of Maine, we will have little to remind us of the civilization such

as it was that preceded the discovery and settlement of this State by the white man.

I think if any of you might reflect for a moment there was a time when the antiquities of Egypt, of Greece and of Rome were up for grabs, and these antiquities were dispersed all over the world and very few of them for some time remained in the possession of the lands where they were found. I think that if we do not pay some heed and have some law to retain these objects, these artifacts in the State of Maine, they may well be lost to us.

As such I oppose the motion made by the gentleman from Freeport and when the vote is taken I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker Members of the House: I rise in support of Mr. Marsteller this morning. There is one item here that disturbs me considerably. It disturbs me primarily as being the representative of the Penobscot Indian Reservation. It disturbs the Governor of the Penobscots. I note that the Indian reservations are exempted from the definition of state-owned land. But this today covers a very small area of the State and the Penobscot Tribe at least is attempting through private donations and otherwise to start a small museum of their own. And I might point out that although the Penobscot Reservation today are only the islands from Old Town to Mattawamkeag in the Penobscot River at one time they controlled one third of the State, an area extending from the sea to the St. John River, and over any of that area and over other areas whose tribes are now extinct and over the area once controlled by the Passamaquoddy many of these artifacts might be found.

Now the question arises, is this legitimately the property of the State at large or legitimately the property of the tribes of whose history they pertain? The tribes believe that they if they have a proper depository should have these items. I would have no objection with the intent of this bill,

However, I feel that some sort of provision should be made that when articles of this type are found that the State should hold them only in trusteeship, to be deposited in a proper place when and if the original owners—if you want to put it that way, of the artifacts, have a place to deposit them. The bill in its present form I cannot support.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of Mr. Marsteller. In my opinion this is a bad bill. And if anyone of you that lives along the coast don't want to get in trouble, if you happen to go digging clams on your mudflats in front of your summer cottage or your home, you are going to be surprised some day when you have an inspector come up and tell you that you were down disturbing some of the state-owned artifacts, because I think you will find according to the law that the land below the high water mark belongs to the State of Maine and there is quite a bit of this on each change of the tide, becomes uncovered, and we over the years have hunted for clams and so forth on these areas.

As the bill presently stands, it is not a good bill.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I rise this morning to support the stand taken by my good friend and colleague, the gentleman from Kittery, Mr. Dennett. I think that this state has long been too lax in preserving its artifacts for generations to come. And I do think that this bill is an honest attempt to resolve a very important problem. Now I can sympathize with the feelings of the gentleman from Lubec, with regard to the digging of clams on clamflats, but I do seriously suggest to the House that posterity should be more important than clamflats, and I hope you will go along with the gentleman from Kittery, Mr. Dennett.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Members of the House: I rise in support of the remarks also that are made by the gentleman from Kittery, Mr. Dennett. For too many years the State of Maine has let both its records and its items of historical value be either destroyed or removed from the State. Within the last four years we have attempted to set up a museum, a museum director, and also have set up the Office of the State Archivist. I believe that legislation is necessary in these areas to help to preserve them, and I would hope that the motion to indefinitely postpone does not succeed and this can become law.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: I believe that in the 102nd Legislature when we created the Office of the State Archivist and the State Museum and all that we never realized the price tag that we would have to pay to sustain this building. It amounts to almost \$2 million a year in maintenance and I think that we sincerely regret today our actions of the 102nd Legislature, and this being an economy-minded Legislature, the 104th, I can't see that we should go all out to preserve these things of the past because they are not so meaningful. The things of Persia, the things of Egypt and the things of the Nile and so on and so forth, if they do exist, so what, the people of Maine don't want them.

The SPEAKER: The pending question is on the motion of the gentleman from Freeport, Mr. Marstaller, that this Bill "An Act to Regulate the Removal and Disposition of Certain State-owned Objects and Specimens," Senate Paper 489, L. D. 1573, be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

55 having voted in the affirmative and 65 having voted in the

negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

Third Reader Indefinitely Postponed

Bill "An Act Increasing Certain Motor Vehicle Registration Fees" (H. P. 326) (L. D. 413)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I have stated before that I was not one who was so popular that his phone would ring incessantly and that I would be hit with a barrage of mail. I assure when I got home last night after the six o'clock news and this morning early I received my share of phone calls, more than my share as far as I am concerned pertaining to this measure. And generally the conversation went along the line that we are imposing on the driving public a gasoline tax. We had already proposed a tax on trade-ins, an excise tax—at least the money goes back to the cities and towns, is well on its way somewhere along the line. My comment of yesterday that it would be "sock it to them" day, people agreed with.

Now I am told that possibly it might be well to keep this alive while waiting for the outcome of other measures. As far as I am concerned I don't believe in keeping this bill alive. I think really at this time this is a bad bill as far as the Highway Department is concerned and I am fully aware of what their budget is. I feel very definitely that somewhere along the line we could spare the built-in monies that this thing will bring and I feel very definitely that I would not go along with any attempt to table this bill and keep it alive. I think this is just as good a time as any to put this bill to rest finally. I think the people along the way are deserving of some sort of breathing spell and I want to do it and partake in it at this juncture here.

I am one of those who steadfastly votes for tax measure and votes to pick up the tab. I have never enjoyed the pleasantries of voting for all spending bills and no tax bills. I don't think that is quite the thing to do and I don't do it, and I voted for a gasoline tax. I intend to go along with a tax on excise and I have already voted also for the tax on trade-ins. As far as the driving public is concerned I have had it and I am sure they have. For that reason, Mr. Speaker, I again move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I had a little note that the body at the other end of the hall has passed the gas tax at two cents, which I believe would cover the necessary money that is needed in the Highway Department, and with that two cent tax we stand to gain more money in the state, especially by tourists, than we do by any of these other tax bills. I feel perfectly fair in going along with this excise tax which would go back to the town and also the permit tax which I spoke against, but I believe it is then again a much better than this registration tax because this registration tax we not only stand to lose some to go out of state but we also, as the gentleman from Lewiston, Mr. Jalbert said, we are socking it to the truckers.

I am not speaking for the trucking organization but for the small truckers out of Aroostook County, and I would be perfectly willing to go along with this two cent gas tax. I believe it will bring the money we need and we can drop this tax here. And I hope when you vote you vote with Mr. Jalbert from Lewiston for indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I will be very brief. I have been in the position of rapping the truckers over the head time and time

again this session and I think I owe them this much. If you will notice on page four of the bill, on the heavy trucks they go from \$600 to \$720 on the fees. Let me indicate to you that in the State of Maine last year there were permits issued of 1379 permits and the number of plates issued were 23,080. Now of this 23,080 93.3% of them are foreign domiciled and 6.7% of them are Maine domiciled, and I hope you will take that into consideration when you vote and I support Mr. Jalbert.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Members of the House: We gave this bill a good going over yesterday. It is a day later now. I think that is the only change in the situation; the facts haven't changed any. The interest of the truckers has been exposed here this morning and the inference obviously is that we are picking on the truckers. Now perhaps our registration fees as they are presently scheduled are inequitable in relation to the trucks. I have heard some say that the trucks don't pay their fair share; others have said that the trucks pay more than they should. If it is inequitable then perhaps we should change it. I have no particular knowledge in this area whether it is or it isn't, but at any rate the increase is at a percentage rate, so I don't believe that there is any valid basis for claiming that this is unduly aimed at the trucking industry.

Our basic situation here today is that due to the prudence of our predecessors here in the Maine State Legislature and in spite of the recent upsurge of bonding by recent legislatures, we today are in the fortunate situation of having inherited the triple A credit rating of the State of Maine. It is a real temptation at a time like this to swap a little piece of this excellent credit rating in order to be spared the unpleasantness of having to go home and explain to our neighbors why we voted to raise his automobile registration fee \$3.

For several years we could pursue this policy of swapping a

little piece of this credit rating for the opportunity to avoid having to impose taxes on our friends and neighbors. We could pursue this for several years. There would be an end to it; I think we all sense this. We are all big boys and girls and we know that there is a pay day. There ain't no free lunch. I think we have a clear choice here today whether we should keep faith and tax for what we are voting to spend or to chase this Jezebel that is going to lead us in my opinion into disaster.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, and Ladies and Gentlemen of the House: I heartily agree with Representative Jalbert's remarks. I made two phone calls home last night and I have never been called such vicious names before in my life.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Members of the House: This is a very unpopular tax, we have all got to admit that. I would be the first to admit it. I don't see that things have changed since yesterday to speak of. We are in a position, I would think, for the first time in many legislative sessions whereby we might get by without bonding a big portion of our Highway program. If we can pass this registration which isn't an overburden on any one particular person. I don't think it is on the trucks either. I own them and operate them and I would remind the House of Representatives that this construction program generates in the neighborhood of \$35 million each year, \$70 million in the biennium in federal money and the better we pay for it the better off we will be.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: Very briefly I want to agree with Mr. Jalbert. I agreed with him yesterday in killing this bill, not but what I feel we should pay for

what we get but I feel that the time has come when we have got to get a little less. I have not been phoned but I was spoken to quite extensively over the weekend about these two increases added to another one on the trade-ins. I was asked if I thought that both of these would go through. They seemed to feel that if we increased the excise back home that would help our local property tax owners. The people wouldn't object to that so much, but to add on this other one after the trade-in tax and so on was a little bit too much. So consequently I will vote as I did yesterday for the indefinite postponement of this bill and I feel that we should let it go until some future time. This time if we must let us cut down on the road program.

Thereupon, Mr. Jalbert of Lewiston asked for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to see you people here in this House today just once turn your ear to the cries of the public rather than the cries of the department heads. I suggest that this might be good if you only do it once, to see that it can be done and the school will still keep, the roads will still be built. I think they are way out of line in what they are asking for and I tried to point it out to you the other day and I didn't have very many open ears, but I do wish you would listen to the cries of the people rather than them, and I hope that when you vote you will vote with Mr. Jalbert and indefinitely postpone this measure.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: In these present modern times we probably see and receive considerable advertising on the CP method—that's the critical path method. Now that's nothing more or less than feeding information into a computer and obtaining something from it. I am disturbed because

I am afraid there might be a little bit of misinformation fed into a computer somewhere. Now the speaker of the excise taxes, which I will call your attention to, goes to town. It has nothing whatever to do with our roads except that perhaps they might be able to raise a little more money for the State aid.

You talk about the tax exemption on the sales tax which brings in so much money and that is all passed and signed for but that goes to the General Services fund. There is nothing there to improve your roads or build new roads. Now the gentleman from Eastport said he had never been talked to so harsh as he was last night on the telephone. I just want him to remember these few little words that when these roads give up he may hear worse words yet.

Now just to explain a little something that perhaps some have a wrong idea about. This short-term permit bill, which permits you to have a permit up to eight months, only gives about \$100,000 for the year 1970 and \$105,000 in 1971, much under a half million dollars. Now the county programs, if you had four compact units, would cost \$200,000 in 1970 and \$200,000 in 1971. Increase in snow removal has no money allowed for the year 1970 whatever in the bill but in 1971 it costs \$475 to pay your towns instead of \$35 a mile \$100 a mile for snow removal and sanding the roads. Now your 40% bonus costs \$400,000 to fund it but that too isn't funded until 1971. There is nothing in 1970 for the 40% bonus. Now the six units of State aid which is possible for the towns to put in has no fund whatever in 1970 and in 1971 it costs \$1,100,000.

As Mr. Lee told you if you have funds enough for \$12,549,000 each year of '70 and '71 it will generate in each of the years \$35 million from the federal government in matching funds. That includes both the ninety cents and the 50-50 dollars.

Now if you had this present one cent gas tax and if you had this registration bill passed and with the existing bonds that you have

left over from what was voted in in the last election, you would have to have after that in order to fund the cut-down program at least a bond issue for \$16 million. I only offer that as a thought. I realize it won't make one bit of difference as to how your minds are made up.

But I also want to tell you a little story. We voted down in Ellsworth yesterday on a \$3.5 million school, and let me tell you what the vote was—1982 against the school, 345 for it, and I think that is the way your bond issues are going this year.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker and Members of the House: I would like to support the gentleman from Lewiston, Mr. Jalbert, because I feel that if we continue to follow our present trend of taxing one segment of our population, that is of the motoring public, that perhaps we won't need such a large Highway fund in the future, because I think that eventually we are going to push a lot of these motorists right off the road.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert that item four, L. D. 413, be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert that House Paper 326, L. D. 413, Bill "An Act Increasing Certain Motor Vehicle Registration Fees, be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Barnes, Bedard, Benson, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Clark, C. H.; Corson, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Croteau, Cummings, Curran, Curtis, Cushing, D'Alfonso, Dam, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Faucher, Fecteau, Finemore, Fortier, A. J.; Foster, Fraser, Gauthier, Gilbert, Giroux, Good, Hawkens, Henley, Heselton, Hewes, Hunter, Jalbert, Jameson, Johnston, Jutras, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, Lepage, Lewin, Lincoln, MacPhail, Marquis, Marstaller, McKinnon, McTeague, Meisner, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Noyes, Ouellette, Pratt, Quimby, Rand, Ricker, Rideout, Rocheleau, Sahagian, Santoro, Scott, G. W.; Shaw, Sheltra, Starbird, Tanguay, Temple, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, Wight, Williams.

NAY—Baker, Bragdon, Brown, Chandler, Chick, Clark, H. G.; Coffey, Dennett, Farnham, Hall, Hanson, Harriman, Haskell, Hichens, Huber, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Levesque, Lewis, Lund, McNally, Nadeau, Norris, Page, Payson, Porter, Richardson, H. L.; Scott, C. F.; Snow, Stillings, Susi, Thompson, White, Wood.

ABSENT — Brennan, Danton, Fortier, M.; Hardy, Martin, Richardson, G. A.; Ross, Soulas.

Yes, 106; No, 36; Absent, 8.

The SPEAKER: One hundred six having voted in the affirmative and thirty-six in the negative, the motion does prevail.

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I would like to move that we adjourn for lunch until 1:30 and I would like to ask for a division on the motion.

The SPEAKER: The gentleman from Enfield, Mr. Dudley moves that the House recess for lunch—

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, may I approach the rostrum?

The SPEAKER: The gentleman may do so.

(Conference at rostrum)

The pending question is on the motion of the gentleman from Enfield, Mr. Dudley that the House recess for lunch.

Whereupon, Mr. Richardson of Cumberland requested a roll call on the recess motion.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson requests that when the vote is taken it be taken by a roll call. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley that the House recess for lunch until 1:30. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Barnes, Berman, Binnette, Bourgoin, Buckley, Carey, Carrier, Carter, Clark, H. G.; Coffey, Cote, Cottrell, Couture, Crommett, Crosby, Curran, Curtis, Danton, Dudley, Emery, Eustis, Evans, Fecteau, Foster, Fraser, Gauthier, Gilbert, Giroux, Henley, Jameson, Jutras, Kelleher, Kelley, K. F.; Keyte, Laberge, Lebel, Leibowitz, Marquis, Marstaller, Meisner, Mills, Moreshead, Morgan, Ouellette, Page, Pratt, Rand, Ricker, Rocheleau, Santoro, Sheltra, Starbird, Tanguay, Temple, Thompson.

NAY — Baker, Bedard, Benson, Bernier, Birt, Boudreau, Bragdon, Brown, Bunker, Burnham, Casey, Chandler, Chick, Clark, C. H.; Corson, Cox, Croteau, Cummings, Cushing, D'Alfonso, Dam, Dennett, Donaghy, Drigotas, Durgin, Dyar, Erickson, Farnham, Faucher, Finemore, Fortier, A. J.; Good, Hall,

Hanson, Harriman, Haskell, Hawkins, Heselton, Hewes, Huber, Hunter, Immonen, Jalbert, Johnston, Kelley, R. P.; Kilroy, Lawry, Lee, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Martin, McKinnon, McNally, McTeague, Millett, Mitchell, Mosher, Nadeau, Norris, Noyes, Payson, Porter, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Trask, Tynedale, Vincent, Watson, Waxman, Wheeler, White, Wight, Williams, Wood.

ABSENT — Brennan, Fortier, M.; Hardy, Hichens, Ross, Soulas.

Yes, 56; No, 88; Absent, 6.

The SPEAKER: Fifty-six having voted in the affirmative and eighty-eight in the negative, the motion does not prevail.

(Off Record Remarks)

Third Reader Tabled Until Later in Today's Session

Bill "An Act to Provide for Taxation and Regulation of the Associated Hospital Service of Maine" (H. P. 885) (L. D. 1144)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Benson of Southwest Harbor, tabled pending passage to be engrossed and assigned for later in today's session.)

Third Reader Amended

Bill "An Act Establishing a Full-time Administrative Hearing Commissioner" (H. P. 1242) (L. D. 1577)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Rideout of Manchester offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-493) was read by the Clerk and adopted.

Mr. Levesque of Madawaska offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-506) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "B" and sent to the Senate. (Reconsidered Later)

Third Readers Tabled Until Later in Today's Session

Bill "An Act to Provide a More Equitable Method of Distributing School Subsidy" (H. P. 1254) (L. D. 1586)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Fecteau of Biddeford, tabled pending passage to be engrossed and assigned for later in today's session.)

Bill "An Act Creating Civil Liability to the State for Pollution of Waters" (H. P. 1255) (L. D. 1587)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Cox of Bangor, tabled pending passage to be engrossed and assigned for later in today's session.)

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1256) (L. D. 1588)

Was reported by the Committee on Bills in the Third Reading and read the second time.

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and assigned for later in today's session.)

Amended Bills

Bill "An Act relating to Interest on Judgments" (S. P. 107) (L. D. 314)

Bill "An Act relating to Powers and Duties of the Attorney General" (S. P. 142) (L. D. 424)

Bill "An Act to Authorize Limited Supervised Practice by Third-Year Law Students on Behalf of Certain State Agencies and Legal Aid Organizations Pursuant to Court Rules" (S. P. 335) (L. D. 1133)

Bill "An Act relating to Creation of Professional Service Corporations" (S. P. 378) (L. D. 1288)

Bill "An Act Revising the Water and Air Environmental Improvement Laws" (H. P. 905) (L. D. 1166)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee

Amendment "A" and sent to the Senate.

Bill "An Act to Give Relief to Elderly Persons from the Increasing Property Tax" (S. P. 474) (L. D. 1550)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Senate Amendment "B" and sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1970 and June 30, 1971 (S. P. 478) (L. D. 1557)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to School Construction Aid (S. P. 124) (L. D. 386)

An Act relating to Town's Matching Funds for Reconstructing State Aid Highways (S. P. 128) (L. D. 390)

An Act to Revise the Credit Union Law (S. P. 200) (L. D. 609)

An Act relating to Time of Filing Security Interests under the Uniform Commercial Code (S. P. 377) (L. D. 1287)

An Act Creating Oxford County Commissioner Districts (S. P. 462) (L. D. 1525)

An Act Providing for a Council-Manager Charter for the Town of Scarborough (H. P. 736) (L. D. 954)

An Act to Regulate Home Solicitation Sales (H. P. 758) (L. D. 978)

An Act relating to Nonprofit Hospital or Medical Service Organizations (H. P. 808) (L. D. 1047)

An Act to Grant a New Charter to the City of Belfast (H. P. 965) (L. D. 1255)

An Act to Provide for Special Plates Observing the State of Maine Sesquicentennial (H. P. 1130) (L. D. 1457)

An Act Revising the Motor Vehicle Dealer Registration Law (H. P. 1185) (L. D. 1506)

An Act to Clarify Taxation of Annuity Contracts and Insurance Policies (H. P. 1229) (L. D. 1562)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

**Enactor
Tabled Until Later in
Today's Session**

An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions (H. P. 1234) (L. D. 1566)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Starbird of Kingman Township, tabled pending passage to be enacted and assigned for later in today's session.)

On request of Mr. Benson of Southwest Harbor, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence, and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that the House be in recess until 2:00 o'clock.

Thereupon, the House recessed until 2:00 o'clock this afternoon.

After Recess
2:00 P. M.

The House was called to order by the Speaker.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

HOUSE REPORT—"Ought not to pass" — Committee on State Government on Bill "An Act to Clarify the State Museum Law" (H. P. 296) (L. D. 372) (In House, Bill substituted for the Report and Bill passed to be engrossed, as amended by House Amendment "A" H-426) (In Senate, Report accepted)

Tabled—June 6, by Mr. Jalbert of Lewiston.

Pending—Motion of Mr. Birt of East Millinocket to Insist.

Thereupon, the pending motion to insist prevailed.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act relating to Governmental Immunity in Civil Actions" (H. P. 557) (L. D. 738) (In House, passed to be engrossed as amended by Committee Amendment "A" H-366) (In Senate, passed to be engrossed as amended by Senate Amendment "A" S-214)

Tabled — June 6, by Mr. Hewes of Cape Elizabeth.

Pending — Motion of Mr. Berman of Houlton to recede and concur.

Thereupon, the pending motion to recede and concur prevailed.

The Chair laid before the House the third item of Unfinished Business:

Bill "An Act relating to Mandatory Discharge of Chattel Mortgages and Notes" (H. P. 929) (L. D. 1190) (In House, passed to be engrossed as amended by Committee Amendment "A" H-354) (In Senate, passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" S-213 thereto)

Tabled — June 6, by Mr. Rideout of Manchester.

Pending — Motion of Mr. Cox of Bangor to recede and concur.

Thereupon, the pending motion to recede and concur prevailed. (Later Reconsidered)

The Chair laid before the House the fourth item of Unfinished Business:

Bill "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens" (H. P. 1017) (L. D. 1325) (In House, indefinitely postponed) (In Senate, passed to be engrossed)

Tabled — June 6, by Miss Watson of Bath.

Pending — Further consideration.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Watson.

Miss WATSON: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentlewoman from Bath, Miss Watson moves that the House recede and concur.

The Chair recognizes the gentleman from Rumford, Mr. Fortier.

Mr. FORTIER: Mr. Speaker, I don't think it is necessary to go all over this debate again. I sincerely hope that you will not vote in favor of receding and concurring.

The SPEAKER: Is the House ready for the question? The Chair will order a vote. All in favor of the motion of the gentlewoman from Bath, Miss Watson to recede and concur will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

37 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

Whereupon, on motion of Mr. Fortier of Rumford, the House voted to adhere.

The Chair laid before the House the fifth item of Unfinished Business:

Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of gubernatorial Appointments and Their Confirmation (H. P. 1016) (L. D. 1324)

Tabled — June 6, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, I would ask that this be tabled for one legislative day.

Whereupon, Mr. Jutras of Sanford requested a vote on the tabling motion.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy moves that L. D. 1324 be tabled until tomorrow pending passage to be engrossed. A vote has been requested. All members desiring this matter be tabled until the next legislative day will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

81 having voted in the affirmative and 29 having voted in the negative, the motion to table did prevail.

The Chair laid before the House the sixth item of Unfinished Business:

Bill "An Act relating to Comparative Negligence in Civil Actions" (S. P. 89) (L. D. 251) (In Senate, passed to be engrossed as amended by Senate Amendment "A" S-217)

Tabled — June 6, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

Thereupon, passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

The Chair laid before the House the seventh item of Unfinished Business:

Bill "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine," (S. P. 338) (L. D. 1136) (In Senate, passed to be engrossed as amended by Committee Amendment "A" S-199 and Senate Amendment "A" S-221)

Tabled — June 6, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

On motion of Mr. Rideout of Manchester, tabled pending passage to be engrossed and assigned for later in today's session.

The Chair laid before the House the eighth item of Unfinished Business:

SENATE REPORT — "Ought not to pass"—Committee on Judiciary on Bill "An Act relating to Control of Riots" (S. P. 141) (L. D. 423) (In Senate, Insisted on its action whereby the Bill was substituted for the Report and passed to be engrossed) (In House, Report accepted)

Tabled—June 6, by Mr. Berman of Houlton.

Pending—Further consideration.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, this matter was well discussed the other day and I now move that we adhere.

The SPEAKER: The gentleman from Houlton, Mr. Berman moves that the House adhere to its former action.

The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker, I move that the House recede and concur with the Senate.

The SPEAKER: The gentleman from Berwick, Mr. Stillings, moves that the House recede from its former action and concur with the Senate in substituting the Bill for the Report.

The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I will try to be brief. Because of the motion made by my good friend, the gentleman from Berwick, Mr. Stillings, I will have to go over some of the same material that we did last week.

The Judiciary Committee this session was confronted with some very complicated, some very serious bills. One of them provided for compulsory gun registration. The Judiciary Committee thought, and this House in its wisdom also thought, that the bill "Ought not to pass."

Now this very document, L. D. 423, "An Act relating to Control of Riots," also contains some very severe gun legislation. It says among other things in paragraph 4 that control of the possession, sale, carrying and use of firearms, other

dangerous weapons and ammunition, shall be deemed dangerous to the public safety. Now this certainly goes against what the Judiciary Committee felt to be the best interest of the citizens of the State of Maine with respect to gun legislation, and for that reason, without taking up any more of your time in discussing other unsatisfactory elements of the bill such as immunity, I hope that you will not go along with the gentleman from Berwick to recede and concur, that that motion will be defeated and then we will adhere.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker and Members of the House: With regard to the gun control, I submit that it is very reasonable indeed, in the event there is a public crisis or a riot for there to be some sort of gun control in that particular instance, and all this bill would allow is for the Governor to do that only under those circumstances.

This is the kind of law that we hope we will never need, but if events do take place we will need this type of legislation very badly. If a problem arises on our beaches as it has in our neighboring State of New Hampshire several times over the past few years, Maine will be prepared. With this law on our books, I think that we would have a deterrent and the State would be on record as standing firm and ready.

All this bill would do is to give the Governor the power to declare that a state of emergency existed in the event of riot or other public crisis. He could do this of his own volition, or after being requested to do so by municipal officials, the county attorney or the attorney general. The Governor would be required under this law to investigate any such request before proclaiming the emergency, and then, and only then, if the proclamation is issued, would he be authorized to close gasoline stations, control traffic, prevent the carrying and sale of firearms, close bars and so on. These are things that we have learned are necessary in a crisis situation such as this.

The bill also allows Maine to enter into mutual agreements with other states, and Maine has, in fact, had state police officers, sheriffs and municipal officers serving in New Hampshire during their riots. This bill allows the Governor to deputize military personnel and others and they get immunity for any reasonable act that is performed. Without the immunity, no one, and I think you would agree with this, no one would consent to be deputized.

This is not unique legislation. Other states have passed this kind of law. They are preparing for emergencies. California has drafted such a law, when it found itself without one in recent riots. Kansas has, Wisconsin has, Michigan has, other state legislatures are considering such legislation. This act was patterned after the Kansas Act, and I think it is important that the Governor have clear authority in the event of a crisis and I certainly would hope that you would vote to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: I would like to point out that this bill would disarm the citizens, take away the protection from their homes at the time that they would need it the most, and any bill that would give the Governor the authority to take the guns away from the householder, the merchant or anybody else so he cannot protect his property, I think is a very dangerous bill. I hope you will not support this bill.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, a question through the Chair. From what Mr. Stillings states, I fail to see where this law is needed. I understand that the Governor has, under the Civil Defense Law of 1949, I forgot what title it is now, he has the authority to declare an emergency. He has the authority under the Civil Defense Act to practically do all of these things insofar as the police control, closing of businesses, the closing of recreational areas, the closing of roads, highways, immunity of the police

and that sort of thing under a declared emergency. I would like to have a clarification of why this law is needed.

The SPEAKER: The gentleman from Norway, Mr. Henley, poses a question through the Chair to the gentleman from Berwick, Mr. Stillings, who many answer if he chooses.

The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, may I endeavor to answer that question? Presently the Governor does not have the powers under the Civil Defense Act, Title 25, Section 307 states clearly, "Whenever any disaster or catastrophe exists or appears imminent arising from attack, sabotage or other hostile action, by fire, flood, earthquake or natural causes, the Governor by proclamation declares the fact and that an emergency exists."

The only possible clause under which he could act would make hostile action, by the context of the rest of the statute makes it very clear this means every attack. Rioters today, unlike years ago, have good legal counsel and would certainly test in court any questionable statute in which rioting was controlled.

Martial law could be imposed, but this would mean calling out the National Guard with their bayonets and this is the type of action that experience has shown should be used only in extreme circumstances.

The immunity clause has precedent in a civil defense action and is very similar. I support Mr. Stillings in his motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I go along this afternoon with the words spoken by my good friend from Norway, Mr. Henley. Maine doesn't need this kind of bill. Maine doesn't need this kind of legislation. Maine is not bloody Kansas, it is not Wisconsin, it is not California. We are basically an agricultural state of slightly

less than a million people. Basically our Constitution is a very sound document. Under our Constitution, the Governor of the State of Maine has the authority in cases of emergency to declare by proclamation the necessary acts to carry out the laws of the state.

I really don't think that we, under the guise of scare legislation, should clutter up our law books with this type of unnecessary proposal, and therefore I hope like Mr. Kelley that you will go along and defeat the motion to recede and concur and then we will adhere. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Topsham, Mrs. Coffey.

Mrs. COFFEY: Mr. Speaker and Members of the House: Just a short time ago I was the sponsor of L. D. 1107 and at that time I remember approximately 1,200 people that were crying for stronger law enforcement, not gun control. I thought my bill over very carefully and I fought for it and let it die here in the House without anything being said, and the majority of the people right here in the House said that they wanted to support some bill providing for stronger law enforcement and I hope they remember their conversations with me at the time I was the sponsor of L. D. 1107.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I disagree entirely with the motion to recede and concur with the Senate for these few brief reasons that you will find in paragraph one of the document 423, and I will read a part of it. "The Governor upon his own volition or on application of the municipal officials of any city or town, on application of the county attorney of any county, or on application of the Attorney General of the State shall declare by proclamation that a state of emergency exists."

I think this is purely unnecessary. It leaves within the whims of the individual counties or municipal areas to declare through

the Attorney General's office or through the Governor's office, if there is an emergency and it doesn't say that the Governor may declare by proclamation, it says he "shall" declare by proclamation. I think this is purely unnecessary and as was pointed out by previous speakers on the Floor of the House that if you were against gun control just a few short weeks ago, the provisions in the pursuing paragraph on page 2 more or less limits the use of arms, ammunition and other dangerous weapons. So therefore, I hope you will vote against the motion to recede and concur and you will follow the motion of the gentleman from Houlton, Mr. Berman, to adhere.

The SPEAKER. The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker and Members of the House: In answer to the gentleman from Madawaska, Mr. Levesque's comments, first of all, the bill does require that the Governor make an investigation of the situation before he proclaims an emergency. Secondly, at the appropriate time, I have an amendment to offer under filing H-495 which changes the mandatory "shall" to the permissive "may" so that the Governor may and shall not declare such an emergency.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: It is the feeling of the Chief Executive at this present time that this bill is absolutely not necessary, that the Governor has now the prerogative of calling an emergency if and when an emergency arises and does not feel that this type of legislation is necessary at this date.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Berwick, Mr. Stillings, that the House recede and concur with the Senate. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 26 having voted in the affirmative and 92 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Berman of Houlton, the House voted to adhere to its former action.

The Chair laid before the House the ninth item of Unfinished Business:

Bill "An Act Prohibiting the Conducting of Contests and Games by Retail Sellers" (H. P. 1207) (L. D. 1534) (In House, passed to be engrossed as amended by House Amendment "A" H-404) (In Senate, passed to be engrossed)

Tabled — June 6, by Mr. McTeague of Brunswick.

Pending—Motion of Mr. Cote of Lewiston to Adhere.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker, I now move that we insist.

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, moves that the House insist. Is this the pleasure of the House?

(Cries of No)

The Chair will order a vote. Is the House ready for the question? All in favor of insisting will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 93 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

The Chair laid before the House the tenth item of Unfinished Business:

Report "A" — "Ought not to pass" — Committee on State Government on Bill "An Act relating to Salaries of Legislative Research Committee Officials" (H. P. 43) (L. D. 44) and Report "B" reporting "Ought to pass"

Tabled—June 6, by Mr. Starbird of Kingman Township.

Pending—Motion of Mr. Rideout of Manchester to accept Report "B".

Thereupon, Report "B" "Ought to pass" was accepted, the Bill read twice and assigned for third reading tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I would like to ask if the House is in possession of Senate Paper 368, L. D. 1281, An Act Creating the Mountain Resort Airport Authority?"

The SPEAKER: The answer is in the affirmative.

On motion of Mr. Rideout of Manchester, the House reconsidered its action on yesterday whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action on May 28 whereby the Bill was passed to be engrossed as amended by Senate Amendment "B" as amended by House Amendment "A" thereto.

The same gentleman then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-509) was read by the Clerk and adopted, and the Bill passed to be engrossed as amended by Senate Amendment "B" as amended by House Amendment "A" thereto and House Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the eleventh item of Unfinished Business:

An Act relating to Excise Tax on Motor Vehicles (H. P. 841) (L. D. 1079)

Tabled—June 6, by Mr. Binnette of Old Town.

Pending—Passage to be enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the twelfth item of Unfinished Business:

House Report — Committee on Labor on Bill "An Act Establishing the Policemen's Arbitration Law and Amending the Fire Fighters Arbitration Law" (H. P. 604) (L. D. 785) reporting "Ought not to pass", as covered by other legislation.

Tabled—June 6, by Mr. Emery of Auburn.

Pending—Acceptance.

On motion of Mr. Cote of Lewiston, retabled pending acceptance of Report and specially assigned for tomorrow.

The Chair laid before the House the thirteenth item of Unfinished Business:

Majority Report (9) — Committee on Labor on Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees" (H. P. 24) (L. D. 27) reporting same in a new draft (H. P. 1235) (L. D. 1567) under same title and that it "Ought to pass" and Minority Report (1) reporting "Ought not to pass"

Tabled—June 6, by Mr. Finemore of Bridgewater.

Pending—Motion of Mr. Pratt of Parsonsfield to indefinitely postpone Reports and Bill.

On motion of Mr. Martin of Eagle Lake, retabled pending the motion of Mr. Pratt of Parsonsfield to indefinitely postpone both Reports and Bill and specially assigned for tomorrow.

The Chair laid before the House the fourteenth item of Unfinished Business:

Bill "An Act Exempting Water and Air Pollution Control Facilities from Sales and Use Taxes" (S. P. 117) (L. D. 326) (In Senate, passed to be engrossed)

Tabled—June 9, by Mr. Dam of Skowhegan.

Pending—Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The Chair laid before the House the fifteenth item of Unfinished Business:

An Act Appropriating Moneys for a State Vocational and Technical Institute in Waterville (S. P. 477) (L. D. 1554)

Tabled—June 9, by Mr. Birt of East Millinocket.

Pending—Passage to be enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the sixteenth item of Unfinished Business:

Report "A" reporting "Ought to pass" — Committee on Judiciary on Bill "An Act relating to Charitable Organization's Immunity in Civil Actions" (H. P. 558) (L. D. 739) and Report "B" reporting "Ought not to pass"

Tabled—June 9, by Mr. Richardson of Cumberland.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: I now move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves that the House accept the Report "A" "Ought to pass."

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I request a division on the gentleman's motion and I want to tell you why I believe that this is unwise legislation, advanced not to serve the interest I don't believe of the law and those who are affected by it but actually a much more narrow interest.

At the present time our charitable hospitals and associations all over the State of Maine are exempt from tort liability, that is for actions of negligence except, and this is a very important except, except to the extent to which they carry liability insurance.

Going back into history, you will find that charitable organizations have been exempted from liability for negligence on the grounds that to expose the trust fund to the charity to such claims for damages, would constitute a diversion of these funds from the purposes which the donors intended when they created the charity. And in in the 102nd Maine Legislature, recognizing the fact that many of our charitable hospitals and institutions have grown to be really tremendous organizations, the Legislature adopted a rule which said that to the extent to which there

was public liability insurance available, the immunity would not exist.

Now in the classic case of the small charitable hospital, be it Catholic or Protestant or Jewish or whatever sort of a charitable hospital it is, as I understand the present law, if a hospital under these circumstances is sued for malpractice, it is subject to liability to the extent to which it has purchased the policy of insurance, but beyond that, for more money beyond that, it is not liable.

Now those who are supporting this legislation will tell you that there is a very real danger that a charity or charitable organization recognizing this will elect simply not to get any insurance and therefore they don't have any problem. I don't know of any instance where this has occurred. I know that the church parish house dance, the small charitable organizations that I am familiar with, both in my home town and other towns throughout the state, have elected to protect the public damaged by an act of malpractice or negligence by getting a policy of liability insurance. You can't say that this won't affect these hospitals. You can't say that unlimited exposure to suits for damages, be they right or wrong, be their suits groundless or otherwise, isn't going to affect the Mercy Hospital in Portland or any one of the several charitable hospitals and organizations throughout the state.

It is for this reason that I disagree with the sponsor of this legislation, the gentleman from Kittery, Mr. Dennett. It is for this reason I believe that we should not expand the scope of liability in view of the fact that I think we found the answer when we provided for liability to the extent to which there is public liability insurance available. This is the same route that we took with respect to municipalities and I very frankly I can't see any reason to depart in this instance.

I believe, in short, that the people who signed the "Ought not to pass" Report in the Judiciary Committee have a much clearer view of what the public interest really is, the public interest, and

the interest that someone once said that charities do God's work, well they do. And if you are going to impose on them responsibility for suits for hundreds of thousands of dollars, I don't think that you are really taking very responsible action. I think we solved the problem under our present law and beyond that I say we should not go.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I rise for a point of order or information. The gentleman from Houlton, Mr. Berman, has indicated that he moved for the passage of the Majority Report. According to our calendar, it says that Report "A" is "Ought not to pass" and Report "B" is "Ought to pass" I would assume that this would be five to five. If this is not the case, Mr. Speaker, I would ask the Clerk to read the report.

The SPEAKER: The Chair would inform the gentleman that he is mostly correct, Report "A" is five and Report "B" is five—five to five—"A" is "Ought to pass."

The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I didn't realize we were going to get into any serious discussion on this matter which merely seeks to right an ancient wrong, but since we have I would want to say first off, I commend my good friend from Cumberland, Mr. Richardson, for his articulateness and I do envy him, but I think his law is very bad. Now when the court of last resort of our State passed upon the matter in the first instance, they relied upon a Massachusetts case which relied upon an English case, which had been overruled at the time that Maine relied on the Massachusetts case. Now that to me is not very sound law.

I have been working on this matter for some years and I hope the House in its wisdom this afternoon will go along with the "Ought to pass" Report. We were forced to compromise on this matter, much to my disappointment, in

1965 and since then I have worked with my very good friend, the gentleman from Kittery, to right this wrong. Mr. Dennett submitted a bill similar to the one now before us which I believe that our Committee gave "leave to withdraw as covered by other legislation," which other legislation this present document before you is.

Now at the risk of boring some of you, I would tell you an actual case which happened to a gentleman in another state. He went in to have an appendectomy and through some slight mistake, they took out part of his reproductive system. Now this may strike some of the House as funny, but upon reflection, it is quite a serious matter. Now today if this happened in the State of Maine, if the hospital had no insurance, even though it had given the wrong instruction sheet to the busy and over-worked surgeon, and put the poor fellow under ether and then proceeded to take away an important, useful part of his anatomy instead of an ailing appendix, this poor fellow would have no redress upon a hospital that carried no insurance under the so-called decrepit charitable immunity doctrine. Now I say that this is most uncharitable. I don't see anything charitable about a hospital in this type of situation and I hope you will go along with Report "A", "Ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of the gentleman from Houlton, Mr. Berman. I think the gentleman from Cumberland, Mr. Richardson, already stands corrected as to who was the author of this bill. I did have a similar bill which, as Mr. Berman has told you, was granted leave to withdraw. I am not the author of this particular bill.

However, let us go back into history quite a few years. In the Middle Ages there was more or less the doctrine of the three estates. There was the King and the Nobility, the Church and the Commons. As you all know the king could do no wrong, and to

a great extent neither could the nobility. The church was more or less granted these same privileges because the church was the dispenser of charities and it educated and took care of the sick and the poor. The commons, the third estate, was the masses of the people and they had very few rights and no immunities. Immunities were left to the first two estates.

This has more or less been the doctrine of the common law down through the ages. We have quite got away from the idea that the king could do no wrong and the nobility no longer exists. The field of the church is in an entirely different position today. Charities in general are dispensed by the state, as is education and welfare. But there do exist the so-called charitable corporations. They are private hospitals. They are certain churches—all churches in fact. And there are also foundations that are worth millions and millions of dollars that still come under the guise of a charitable organization.

Now it would seem to me that when the 102nd Legislature passed this rather strange law where they said a charitable organization was immune to that extent by which it was covered by insurance, this was an awful poor law. It defies all the laws of justice that have come down to us over the ages. If you as an individual are liable for an act of negligence you are liable and that is all there is to it. And if you are liable and you are taken into court, you can be stripped of practically everything that you as an individual own. Therefore in your wisdom you usually in this day and age insure against this same thing. There is ample provision also that these so-called charitable organizations can insure, and to the best of my knowledge most of them do. But if they do not insure under this present law they are absolutely immune.

Now when I first put in this bill of mine which was a little bit different, I did make it known I didn't care whether there was charitable immunity or no charitable immunity, but it should go

one way or another, not having it depend upon the amount of insurance that was carried. This in itself is ridiculous. And now I think this other bill that has been brought out is a bill that is fair and it is just. At least half of the members of the Judiciary Committee agree that such was the case, and I certainly hope that in your wisdom that you too will agree with the gentleman from Houlton, Mr. Berman, and accept the "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Moreshead.

Mr. MORESHEAD: Mr. Speaker and Members of the House: I rise in support of Mr. Berman's motion that we accept the "Ought to pass" Report on this bill. I too feel that the present law is very unjust when we consider that under our law today and generally speaking if a person is harmed due to another person's negligence they have an opportunity to recover the damages for their wrong from the person that committed the wrongdoing. But this is not so in this area.

And I feel that by not compensating somebody that is wrong we are making this person an involuntary contributor to the charity which caused the harm to him and Mr. Richardson has pointed out that there is a theory that the charities receive money for charitable purposes and by making them pay persons who they commit wrongs upon they will be forced to use this money to pay off civil judgments, which is not the intent of the contribution in the first place; but I think there is the other side of it, and if I was hurt at a hospital because of some negligence of the hospital, I feel that if I could not recover that I would be actually contributing to the hospital the value of my damages, and I don't think that people in the State of Maine should be forced to be involuntary contributors to charities. I think this should be a voluntary thing.

And I think further that when we talk about a hospital, as being affected by this, I would like to point out that it is my understanding that most hospitals have ade-

quate insurance to cover actions such as may be brought and these so-called hundred thousand dollar law suits are few and far between, and I am sure that the gentleman from Cumberland would agree to this: that most law suits in the State of Maine today don't reach the proportion of \$100,000 and it is very easy for the charities if they are concerned to adequately insure, and we all know that the cost of insurance, the greatest cost is the initial policy and to get additional coverage is not that large an item.

I therefore feel that if we are going to treat the citizens of the State of Maine fairly and award them if they are wrong because of another person's negligence, we should vote in favor of the motion on the Floor today and not allow these irresponsible charities who do not now buy insurance to duck under this doctrine which I believe is outmoded and old fashioned. Today under the law those who are responsible are buying insurance and only those people or charities who are irresponsible are able to use this doctrine and not pay off for their wrongdoings by buying insurance.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: In the truly touching tale told by the gentleman from Houlton, Mr. Berman, he mentioned the situation that occurred apparently to his knowledge in some other state where a man went into the hospital to have an appendectomy and unfortunately sustained the loss through surgery of his reproductive organs. Now I find it very tempting to suggest that is not an unmixed blessing, but I don't want to go into all that. The thing that he, I am sure through oversight, failed to mention to you is that the man under the law of any state that I know of has a perfectly good action against the physician who committed the act of malpractice and I don't think anybody can challenge that.

You know, the thing about this whole discussion that just amazes me is that everybody gets up and

say, "Well, they all have insurance anyhow." Well if they do, what is the problem? I will tell you what the problem is. How many of you in this House in having served on a board of trustees of a church — I think that I have some knowledge about this and I am sure many of you do — how many of you know a church that could sustain a \$50,000 verdict for damages? Now all this discussion has been about the hospitals, and of course, for example the Mercy Hospital in Portland is a first class hospital, having excellent facilities, and it is a big business operation in the sense that it does have a tremendous facility with a substantial payroll. But this bill will expose every charitable organization — churches, synagogues, all the rest of it—to actions such as this. And I don't, as they say in law, want to make a federal case out of this. I just think it is a very bad proposition.

The five signers of the report who said it "ought not to pass" in my judgment had the better view of the thing and I just think you are taking action here if you pass this bill that is going to expose every charity in the state to actions for damages. The \$50,000 judgment isn't as rare as I would probably like to see it as a defense lawyer. I have seen them happen, and when you have a case where somebody sustains this kind of injury, then the jury is going to award a verdict and you are going to have a charity paying it out of its charitable funds, and don't kid yourselves.

Mr. Berman was granted unanimous consent to speak a third time.

Mr. BERMAN: Mr. Speaker and Members of the House: In all sincerity and with due respect to the remarks of my good friend from Cumberland, Mr. Richardson, these things are not "unmixed blessings"; they are really sorrows. Mr. Richardson is smiling and I can appreciate his smile. But I would quote this great moral truth: "that justice is the same whether due from one man to a million or from a million to one man."

Now ladies and gentlemen of the House, what brought this situation

about happened a long time ago in Maine, 1910, and we are still trying to right that wrong. It is written in the Maine Reports, Volume 107, in the so-called "Jensen Case". There was a lady, Mary Jensen, who was in a hospital. The hospital was charged with negligence of its servants in allowing Mary Jensen, while an inmate of the infirmary, to evade the supervision of her attendants and fall through a window to the sidewalk, the accident resulting in her death.

Now way back in 1910 the court of last resort in the State of Maine took what today could be called a rather conservative view. They said "All right, so the attendants of this hospital were negligent, so this lady, Mary Jensen was allowed to fall from her hospital window to her death, but that is just tough." And they relied on the Massachusetts case which relied on the English case, which at the time that the Maine case was decided was overruled.

Now upon its face it is bad law. We have a chance today, as Mr. Dennett has pointed out, to correct this bad law, so that I hope you will go along and accept the "Ought to pass" Report.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Houlton, Mr. Berman, that the House accept the "Ought to pass" Report on Bill "An Act relating to Charitable Organization's Immunity in Civil Actions," House Paper 558, L. D. 739. The Chair will order a vote. All in favor of accepting the "Ought to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

60 having voted in the affirmative and 58 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read twice and assigned for third reading tomorrow.

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act relating to Salaries of Jury Commissioners and County Officers in the Several Counties of

the State and Court Messenger of Cumberland County" (H. P. 1231) (L. D. 1564)

Tabled—June 9, by Mr. Kelley of Machias.

Pending—Adoption of House Amendment "A" H-471.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker and Members of the House: I would like to withdraw my amendment, House Amendment "A."

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Meisner, withdraws House Amendment "A".

Mr. Kelley of Machias then offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-508) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I thought the other day when we accepted Report "B" of the Towns and Counties Committee that we were accepted at that time the findings of the various county delegations. Now lo and behold here appears an amendment which is neither in Report "A" or in Report "B". I thought when I voted for Report "B" that we were bypassing a flood of amendments. It appears this is not the case. I see that there are two amendments in our county budget in this bill which were never considered by our county delegation. I don't know whose ideas they were or where they came from. I seem to be a little reluctant to go along with this amendment: I move indefinite postponement.

The SPEAKER: The gentleman from Perham, Mr. Bragdon moves the indefinite postponement of House Amendment "B".

The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, I would pose a question to the gentleman from Perham, just would he please be a little more specific as to the points of difference in the amendments as he offered and the one which he

assumed that he was voting for the other day?

The SPEAKER: The gentleman from Machias, Mr. Kelley poses a question through the Chair to the gentleman from Perham, Mr. Bragdon who may answer if he chooses. The Chair recognizes that gentleman.

Mr. BRAGDON: Will the gentleman repeat his question again, please?

The SPEAKER: Will the gentleman repeat his question?

Mr. KELLEY: To the gentleman from Perham, Mr. Bragdon, I would ask what specifically does he find different in this amendment, wherein does it differ from the —

Mr. BRAGDON: There are two amendments in the Aroostook County, that apply to Aroostook County that were never considered by the county delegation, namely; changing the salary of the Clerk of Courts from \$6,000 to \$6,500 and changing the salary of the Judge of Probate from \$4,500 to \$5,000. Granted these are minor matters. I just simply thought that we were bypassing this idea of amendments when we voted for Report "B" which I was told was the finding of the various county delegations state-wide.

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, as I understand it when we accepted Report "B" we found that two counties, Piscataquis and York, hadn't submitted raises for their county officers and we found that Aroostook County had for one reason or another not overlooked perhaps that there were no raises for the two items which the gentleman from Perham has indicated.

In making up this amendment we attempted to show impartiality and to have the raises approximate 10 per cent, which would be 5 per cent per year for the next biennium. I was not wholly responsible for making up this amendment. However, if the gentleman from Perham objects particularly to this, I wish that some person would table this for one leg-

islative day and we could perhaps iron this matter out.

Whereupon, on motion of Mr. Crosby of Kennebunk, retabled pending the motion of Mr. Bragdon of Perham to indefinitely postpone House Amendment "B" and specially assigned for tomorrow.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Provide for the Construction and Improvement of Airports Throughout the State; for a Tourist Information Building at Kittery; the Repair, Planning and Improvement of Certain State-owned Buildings and Institutions and Provide for other Essential Improvements to Facilities for the Department of Adjutant General, Finance and Administration, Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$1,940,000" (H. P. 307) (L. D. 394)

Tabled—June 9, by Mr. Jalbert of Lewiston.

Pending—Passage to be engrossed as amended by Committee Amendment "A" H-487.

On motion of Mr. Jalbert of Lewiston, retabled pending passage to be engrossed as amended and specially assigned for tomorrow.

The Chair laid before the House the third tabled and today assigned matter:

An Act Providing for a Feasibility Study of Alternative Methods for Crossing Fore River (S. P. 472) (L. D. 1544)

Tabled—June 9, by Mr. Richardson of Cumberland.

Pending—Passage to be enacted. Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the fourth tabled and today assigned matter:

An Act Providing Additional Penalty for Commission of a Felony while Carrying a Firearm (H. P. 1031) (L. D. 1361)

Tabled—June 9, by Mr. Carter of Winslow.

Pending—Passage to be enacted.

On motion of Mr. Carter of Win-
slow, retabled pending passage to
be enacted and specially assigned
for tomorrow.

The Chair laid before the House
the fifth tabled and today assigned
matter:

HOUSE REPORT—"Ought not to
pass"—Committee on Judiciary on
Bill "An Act to Provide for the
Interception of Wire and Oral
Communications" (H. P. 769) (L.
D. 1002) (In House, recommitted
to the Committee on Judiciary) (In
Senate, Report accepted)

Tabled—June 9, by Mr. Berman
of Houlton.

Pending—His motion to recede
and concur.

The SPEAKER: The Chair
recognizes the gentleman from
Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker,
Members of the House: I shall
have to ask your indulgence this
afternoon. Apparently quite a few
of our committee bills are coming
off the table, which is as it should
be, and I might have to be on my
feet more than I would like.

Now with respect to this parti-
cular bill in which I have moved
that we recede and concur, this
is an Act to provide for the inter-
ception of wire and oral communi-
cations, which is a nice phrase for
wiretapping. This proposal is one
of the two Peeping Tom bills which
have been presented to this honor-
able body this session.

Now since presently there is
some division of authority on this
matter I would want to read you
very briefly what one of the great
jurists of our time has said with
regard to this matter of wire-tap-
ping; namely, Mr. Justice Bran-
deis. He said among other things
that "the makers of our Constitu-
tion undertook to secure conditions
to the pursuit of happiness. They
recognized the significance of
man's spiritual nature, of his feel-
ings and of his intellect. They knew
that only a part of the pain, plea-
sure and satisfactions of life are
to be found in material things.
They sought to protect Americans
in their beliefs, their thoughts,
their emotions and their sensations.
They conferred, as against the
Government, the right to be let

alone — the most comprehensive
of rights and the right most valued
by men. To protect that right,
every unjustifiable intrusion by the
Government upon the privacy of
the individual, whatever the means
employed, must be deemed a viola-
tion of the Fourth Amendment."
This is what Mr. Justice Brandeis
said in a classic opinion regarding
wire-tapping. It is true it was said
in dissent but those words are
magnificent words and I commend
them to the House this afternoon.

Now under the guise that there
may be a great criminal con-
spiracy hovering above this agri-
cultural state of less than a mil-
lion people, there are those who
think that Maine should go into
this dirty business of Peeping Tom
and wire snooping. There are those
of us on the committee who feel
that Maine should not embark on
this very dangerous course.

Therefore I hope when the vote
is taken it may be taken by divi-
sion and that we recede and concur
with the other body. Thank you.

The SPEAKER: the Chair recog-
nizes the gentleman from Cumber-
land, Mr. Richardson.

Mr. RICHARDSON: An inquiry,
Mr. Speaker, as to whether or not
a motion to recede would take pre-
cedence over a motion to recede
and concur?

The SPEAKER: The Chair would
advise the gentleman that to re-
cede has priority.

Mr. RICHARDSON: Mr.
Speaker, I move that the House
recede.

The SPEAKER: The gentleman
from Cumberland, Mr. Richardson,
moves that the House recede. Is
this the pleasure of the House?

The Chair recognizes the gen-
tleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and
Members of the House: I would
like to pose a parliamentary
inquiry.

The SPEAKER: The gentleman
may pose his inquiry.

Mr. BERMAN: What is the
significance of the motion to recede
as compared and contrasted to the
motion to recede and concur?

The SPEAKER: The Chair would
advise the gentleman that we can
recede from our former action and
that has priority over concurring

with the Senate and receding from recommitting to Judiciary.

The Chair recognizes the same gentleman.

Mr. BERMAN: Mr. Speaker, Members of the House: I hope that we will not recede. I would hope that we would go ahead and recede and concur and I will tell you why. We have gone around this barn; we have gone around it several times. We don't want the bill substituted for the report; we don't want amendments added. We want to do the business of this House. We want to adjourn in due session and go home. I think that is what the taxpayers of the state want us to do. I don't think that they want us to fool around with Peeping Tom bills at this point in the session.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I recall having been here every legislative day for the past two or three months at least and I don't recall that we have ever, as Mr. Berman said, been around this barn before. I would like to have us recede from our action in which we recommitted this bill to the Committee on Judiciary. At that time I would like to discuss the merits of the bill with you and other than the comments made by the gentleman from Houlton, Mr. Berman, we have never had an opportunity to bring before you just exactly what is involved here and what the proposed amendment to be offered by the gentle lady from Falmouth, Mrs. Payson, involves. So I hope you will go along with receding in order that we can present the amendment to you for your consideration.

If it is germane, Mr. Speaker, I would like to indicate to the members of the House that I have counted it a privilege and an honor, and I mean that sincerely, to sponsor legislation in the past session and support legislation in this session deemed necessary in the public interest by the Attorney General of the State of Maine. Now the bill before you at the present time has been in my judgment completely and unfairly charac-

terized as snoop legislation or Peeping Tom legislation. We have wire tapping going on. There is no question about it. Both in industry and by various law enforcement agencies. I agree with the several editorial comments which have appeared in the Portland Press Herald and in other papers throughout the state that the way to handle this problem is not to just ignore it and hope that it will go away. The way to handle this problem is to require that any wire tapping is illegal whether it be by a corporation on its employees, whether it be by one individual on another, be it by whom upon whom it is illegal unless — unless — that duly constituted law enforcement agency that wants to participate in wire tapping goes to court and presents the evidence and has evidence showing that this is necessary. The way to cure this thing — and pardon me if I repeat myself, but the way to cure this thing isn't to just fall back on some platitude about the right of the people to be free and so forth. We are all interested in that right and that is the reason we are putting this bill in; that is the reason we need it.

I hope that you will recede and allow us to substitute the bill for the report so that at third reading tomorrow we can fully debate and discuss the merits of the bill and the amendment which Mrs. Payson of Falmouth wants to present to you for your consideration. Any other course of action in my judgment ignores the realities of the real world and I hope that you won't get buffaloed by this business about "Oh, let's go home early." I have got an excellent solution to that problem and I hope that 101 of you will agree, but the basic issue today is are you going to give Mrs. Payson an opportunity to present her amendment and debate it.

The SPEAKER: The Chair would inform the House parliamentarily that if the House does recede and does not favorably look upon substituting the Bill for the Report, they then can concur with the Senate. Is the House ready for the question? The motion is to recede.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I support the motion of the gentleman from Cumberland, Mr. Richardson, to recede. I was one of the members of the Judiciary Committee that was inclined toward a Minority Report and before it got worked out the report came out ten to nothing and at may request the motion was made that the bill be recommitted to the Judiciary Committee, and that was some ten days or more ago. And I am hopeful that we will recede so that we may then discuss the amendment that the lady from Falmouth, Mrs. Payson, will present.

The SPEAKER: The Chair will order a vote. All those in favor of receding will vote yes and those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 78 having voted in the affirmative and 19 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, in the hope that we can accept the bill and give it its first two readings so that it will be in position at third reader tomorrow for the discussion of the amendment, I now move that we substitute the Bill for the Report.

The SPEAKER: The Chair would inform the House that it has receded from recommitting to the Judiciary. Now the motion is that we substitute the Bill for the Report. Is the House ready for the question?

The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I am not going to belabor the point this afternoon. Apparently this is a situation we are going to have to go over again and again and again. So I will go along now and let the Bill be substituted for the Report. We will let the good lady from Falmouth present her amend-

ment and then we will leave it up to the good judgment of the House as to just what we should do about this type of obnoxious legislation.

Thereupon, the Bill was substituted for the "Ought not to pass" Report, the Bill was read twice, and tomorrow assigned.

The Chair laid before the House the sixth tabled and today assigned matter:

Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices" (H. P. 770) (L. D. 1003)

Tabled—June 9, by Mrs. Payson of Falmouth.

Pending—Passage to be engrossed.

On motion of Mr. Berman of Houlton, tabled pending passage to be engrossed and specially assigned for later in today's session.

The Chair laid before the House the seventh tabled and today assigned matter:

Bill "An Act Establishing a State-Municipal Government Revenue Sharing Program" (H. P. 1174) (L. D. 1498)

Tabled—June 9, by Mr. Snow of Caribou.

Pending—Passage to be engrossed as amended by House Amendment "A" (H-450).

On motion of Mr. Millett of Dixmont, retabled pending passage to be engrossed as amended and specially assigned for tomorrow.

The Chair laid before the House the eighth tabled and today assigned matter:

Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary (H. P. 21) (L. D. 24)

Tabled—June 9, by Mr. Levesque of Madawaska.

Pending—Final Passage.

On motion of Mr. Rideout of Manchester, retabled pending final passage and specially assigned for tomorrow.

The Chair laid before the House the ninth tabled and today assigned matter:

Bill "An Act to Extend Registration Coverage and to Provide Increased Fees in Lieu of Personal Property Tax on Certain Watercraft" (H. P. 1236) (L. D. 1569)

Tabled—June 9, by Mr. Kelley of Southport.

Pending — Passage to be engrossed.

On motion of Mr. Kelley of Southport, retabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the tenth tabled and today assigned matter:

Bill "An Act relating to Small Loan Company Licensees" (S. P. 396) (L. D. 1352) (In Senate, "Ought not to pass" report accepted)

Tabled—June 9, by Mr. Donaghy of Lubec.

Pending—Motion of Mr. Scott of Wilton to indefinitely postpone.

On motion of Mr. Levesque of Madawaska, retabled pending the motion of Mr. Scott of Wilton to indefinitely postpone and specially assigned for tomorrow.

The Chair laid before the House the eleventh tabled and today assigned matter:

Bill "An Act relating to Contracts of Loans under Small Loan Agency Law" (H. P. 622) (L. D. 810)

Tabled—June 9, by Mr. Levesque of Madawaska.

Pending — Passage to be engrossed as amended by Committee Amendment "A" (H-406).

On motion of Mr. Cox of Bangor, under suspension of the rules, the House reconsidered its action on June 3 whereby Committee Amendment "A" was adopted.

The same gentleman then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-453) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, I move that this lie on the table for one legislative day please.

Whereupon, Mr. Cox of Bangor requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All members in favor of tabling this until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

32 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending motion is the adoption of House Amendment "A" to Committee Amendment "A".

The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Members of the House: As a member of the Business Legislation Committee I voted in support of L. D. 810 as reported "ought to pass." This bill merely increases the interest rate from 8 per cent to 12 per cent annually that could be charged on the loan after the expiration of 36 months of the original loan transaction. By our report, in this respect, we rejected the amendment to L. D. 810 which Mr. David Cox of Bangor has just presented. My House Amendment "A" offered by Mr. Cox.

In considering this measure it is important to understand at the outset that under our current law small loan lenders are permitted to charge interest as high as 30 per cent annually on all loan transactions up to a maximum amount of \$2,000.00. A loan in this amount over a period of one year means that the borrowers have to pay \$600.00 of interest. Until 1967 there was no limitation as to when the loan had to be repaid. As a result, in too many cases, Maine borrowers paid this large amount of interest year after year without significantly reducing the amount of the loan.

One of the most classic examples is an actual case disclosed in a report to the Maine Banking Department involving a small loan

company in Portland. In that case, Mr. Butterfield borrowed \$250.00 in June, 1956. In the course of ten years and four months later he paid the finance company a total of \$881.13, more than three times the original amount of the loan. Yet incredibly he still owed \$160.00. The reason for this is very simple. Of the money paid in, around \$800.00 was applied to interest and only a small part was applied to a reduction of the principal. Now this man could go on for another ten years paying large sums of interest and never being able to free himself from the grasp of the lender.

The 103rd Legislature in 1967 recognized this problem and amended the law in order to protect the Maine public against this type of situation. Basically it accomplished this by penalizing the lender if a loan was not fully repaid within 36 months of the original transaction. The 36 months period was fixed because on the average the maturity of most of the loans is around 26-27 months. Therefore, there is ample time for the lender to collect his debt. The penalty was very reasonable because it merely reduced the interest to 8 per cent annually if the loan was not collected within the 36 months period. It also prohibited any new loans or any refinancing until the old balance had been entirely repaid. Very simply stated, it discourages the small loan lender from continuing a loan transaction indefinitely through frequent and numerous renewals and refinancing of the transaction.

This law was carefully considered by the 103rd Legislature as being essential and fair both to the borrower and lender. Our citizens are entitled to know at the outset of any small loan that the end is in sight and that eventually the loan can be repaid without vast amounts being applied to interest. This law does not affect any loan transaction until October 9, 1970. It seems to me that we should see how this law works before we scuttle the efforts of the past legislative session. It is for this reason that I urge you to vote for

indefinite postponement of Amendment "A" and I would request that a roll call be requested. Thank you.

The SPEAKER: The pending question now is the motion of the gentleman from Sanford, Mr. Gauthier, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Bangor, Mr. Cox.

Mr. COX: Mr. Speaker and Ladies and Gentlemen of the House: There are two sides to every story. We don't always get to hear the other side of the small loan picture because of the bombastic and flamboyant name calling frequently used by those who are attempting to drive this industry out of business.

Maine was one of the first states to pass a small loan law some 50-odd years ago. There was a problem, people who were poor banking risks needed money to tide them over in emergencies. These are the people who could not get a loan at a regular bank, and still cannot get a loan at a regular bank. Today, they may or they may not belong to a credit union. However, to meet this problem and after numerous studies, the small loan statute was passed. We now have the most restrictive statute in the country. The volume of business in our entire state by one company may be done by one office in Boston because of the population. The records of the banking commission will show a return of 6.1 per cent, 5.6 per cent and 6.0 per cent over the years.

No business can live without repeat business. I ask you grocers here, you farmers here, and all of you businessmen here, if you could survive if you had to shut off credit the moment someone charged something to you. To prove that this law which is now on the statute books has almost bankrupt this industry, I will give you the figures that the Banking Commissioner returns as a before cost of borrowed funds. This is their percentage of profit, 5.49 per cent in 1966; in 1967, 4.35 per cent; in 1968, just over 3 per cent, it is 3.27 or very nearly that.

Now ladies and gentlemen, the Public Utilities Commission allows a 7 per cent return for public utilities. I ask you if this isn't a smaller return than we are allowing for public utilities? It is very essential for these people to stay in business in this state. It is very essential for the small people who want to borrow from them. It is also essential to the state. Last year these people paid \$580,000 in taxes. They also paid a great deal in rentals, a great deal in salaries. Therefore, I ask you to oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: I support the amendment of Representative Cox from Bangor. We can go too far. I believe the last Legislature did. I think some relief is necessary. You can't stop people from borrowing money if they really want it. The present law forces the borrower to go across the street to do the things that this amendment would allow. The Banking Department has said that every complaint against the small loan companies can be met by this legislation, and I urge you to support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I think it is ridiculous to ask these people to go to another lender and possibly pay 30 per cent again and when they are only asking slightly more than what the prime rate is on interest today in banks rather than on this type of loan. If you have seen your papers, the prime rate is now 8½ per cent, which means that in order for these small loan companies to borrow money that they have got to pay more than 8½ per cent.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, a parliamentary inquiry. When we reconsidered our action of June 3, whereby the Committee Amend-

ment "A" was adopted, we merely then put the Committee "A" Amendment in a position to be amended, is this correct? I know that Committee Amendment "A" stays there, this is only an amendment to Committee Amendment "A", is this correct?

The SPEAKER: Providing the House adopts same.

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of the gentleman from Bangor, Mr. Cox, and opposed to the motion made by the gentleman from Sanford, Mr. Gauthier. I will agree too with the gentle lady from Bethel, Mrs. Lincoln, that two years ago we passed a law which severely restricted our—the small lenders within the State of Maine. I believe since this time twenty-four of them have been forced out of business. I also agree most heartily with the gentleman from Lubec, Mr. Donaghy, that in this amendment for renewing one of these loans after the 36 months period, they cannot charge more than 8 per cent interest as outlined here in the amendment and today apparently the prime rate is equal if not more than that, so apparently they are willing to loan at less money than straight bank interest.

I feel that this bill as amended will definitely go along ways to correct what is presently a bad situation in the State of Maine, and I urge that you vote against the motion to indefinitely postpone the amendment.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Members of the House: In reply to Mr. Dennett, I think that our Committee on Business Legislation was very fair. We have increased—Committee Amendment "A" was to increase from 8 to 12 per cent and I think that is more than the prime rate at the present time for these people to borrow. And another thing that I would like to leave with you is, that this came out of the Committee unanimous report, and

if one reason today is that these loan companies are losing business I would like to give you one reason for it, and it is the credit unions who are charging 1 per cent a month who are taking this business are not gouging these people. And I hope you will go along with the roll call.

The SPEAKER: Does the gentleman request a roll call?

Mr. GAUTHIER: I do, definitely.

The SPEAKER: The pending question is on the motion of the gentleman from Sanford, Mr. Gauthier, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. He further moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote, it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken and more than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Sanford, Mr. Gauthier, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Berman, Buckley, Burnham, Corson, Croteau, Danton, Dudley, Farnham, Faucher, Fecteau, Fortier, A. J.; Fraser, Gauthier, Gilbert, Harriman, Hewes, Hichens, Immonen, Jutras, Lebel, LePage, Lund, McNally, McTeague, Mitchell, Morgan, Mosher, Nadeau, Scott, C. F.; Scott, G. W.; Sheltra, Susi.

NAY — Allen, Baker, Barnes, Bedard, Bernier, Binnette, Birt, Bourgoin, Bragdon, Bunker, Carey, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Cox, Crommett, Crosby, Cummings, Curran, Dennett, Donaghy, Drigotas, Durgin, Dyar, Erickson, Eustis, Evans, Finmore, Giroux, Good, Hall,

Hanson, Haskell, Hawkens, Henley, Heselton, Huber, Jalbert, Johnston, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Leibowitz, Levesque, Lewin, Lincoln, MacPhail, Marquis, Marstaller, Martin, Meisner, Millett, Moreshead, Norris, Ouellette, Page, Payson, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Shaw, Snow, Starbird, Stillings, Temple, Thompson, Trask, Tynedale, Vincent, Waxman, White, Wood.

ABSENT — Benson, Boudreau, Brennan, Brown, Carrier, Coffey, Couture, Curtis, Cushing, D'Alfonso, Dam, Emery, Fortier, M.; Foster, Hardy, Hunter, Jameson, Kelleher, Laberge, Lewis, McKinnon, Mills, Noyes, Quimby, Rickler, Rocheleau, Ross, Santoro, Soulas, Tanguay, Watson, Wheeler, Wight, Williams.

Yes, 32; No, 84; Absent, 34.

The SPEAKER: Thirty-two having voted in the affirmative and eighty-four in the negative, the motion does not prevail. Is it now the pleasure of the House to adopt House Amendment "A" to Committee Amendment "A"?

The motion prevailed.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill passed to be engrossed as amended and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: With reference to item 3 at the top of page 6, Bil "An Act relating to Mandatory Discharge of Chattel Mortgages and Notes," House Paper 929, L. D. 1190, which earlier this afternoon we voted to recede and concur with the Senate, I now move that we reconsider our action whereby we receded and concurred with the Senate.

The SPEAKER: The gentleman from Cape Elizabeth, moves that the House reconsider its action of earlier today whereby it receded and concurred with the Senate on L. D. 1190.

The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, is it proper to ask why we should recede and concur?

The SPEAKER: The gentleman from Manchester, Mr. Rideout, poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he so desires.

Mr. HEWES: Mr. Speaker and Members of the House: I wish to offer House Amendment "A" to Committee Amendment "A" which is under filing number H-500. It is an amendment that I have talked over with interested parties and I believe that the people who were primarily interested in this bill do not object to this.

Thereupon, the House reconsidered its action of earlier in the day whereby it voted to recede and concur.

On further motion of Mr. Hewes of Cape Elizabeth, the House voted to recede from passage to be engrossed and from adoption of Committee Amendment "A".

Senate Amendment "A" to Committee Amendment "A" (S-213) was read by the Clerk, and on motion of same gentleman was indefinitely postponed in non-concurrence.

The same gentleman then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-500) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted, and the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the twelfth tabled and today assigned matter:

Bill "An Act Establishing the Municipal Public Employees Labor Relations Law" (H. P. 636) (L. D. 824)

Tabled — June 9, by Mr. Huber of Rockland.

Pending — Adoption of House Amendment "A" (H-447).

On motion of Mr. Huber of Rockland, retabled pending the adoption of House Amendment "A" and specially assigned for tomorrow.

The Chair laid before the House the thirteenth tabled and today assigned matter:

Bill "An Act to Correct Errors and Inconsistencies in the Fish and Games Laws" (S. P. 464) (L. D. 1543)

Tabled—June 9, by Mr. Benson of Southwest Harbor.

Pending — Adoption of House Amendment "A" (H-455).

The SPEAKER: The Chair would announce that the questionable germaneness of House Amendment "A" was posed as of yesterday and the Chair now rules that the Amendment is germane.

The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: I thank the Speaker for his attention to this problem and I would like to have the indulgence of the House for a few moments to explain my objection to this amendment.

This is Amendment H-455 to correct errors and inconsistencies in the Fish and Game laws. But the second paragraph, the underlined section, in my opinion goes above and beyond the correction of mere errors and inconsistencies. This is a substantive change. This permits the commissioner to take under eminent domain lands, dams, and other structures, flowage rights, mill privileges and rights-of-way.

I would submit that if the commissioner requires such power that the correct way to do this would be by a constitutional amendment by submitting an L. D. specifically outlining this; but to put it in under the guise of an amendment to correct errors and inconsistencies doesn't seem quite cricket.

Therefore, Mr. Speaker, I would move the indefinite postponement of this amendment and would ask for a division.

The SPEAKER: The gentleman from Machias, Mr. Kelley, now moves the indefinite postponement of House Amendment "A"

to L. D. 1543. Is the House ready for the question?

The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I would concur with the gentleman from Machias. I think quite frankly, ladies and gentlemen of the House, that this certainly would be an inconsistency on our part if we allowed it to pass in that this gives the Commissioner of Fish and Game unlimited rights of eminent domain and we have curtailed those for school houses. In other words, the fish are more important than our children. And probably this would be one of the biggest errors that we would make in this session if we were to allow the Fish and Game Commissioner to take any of the lands along any of these main streams or rivers to house some of his wardens as well as build fishways which we have found that our menaces, such as paper mills and the like, have been very cooperative in seeing that these fishways are allowed on their land.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: Just briefly, I too would like to concur with Mr. Kelley in his opposition to this amendment. I feel that allowing eminent domain privileges to the Commissioner of Inland Fisheries and Game would be dangerous, not especially to this particular individual who occupies the office now—he might operate with great discretion, but we don't know who will be coming after. I don't think that we should pass this amendment.

The SPEAKER: The pending question is the motion of the gentleman from Machias, Mr. Kelley, that House Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

Thereupon, House Amendment "A" was indefinitely postponed.

Mr. Porter of Lincoln offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-507) was read by the Clerk and adopted.

Mr. Carter of Winslow offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-469) was read by the Clerk and adopted.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "B" and "C" in non-concurrence and sent up for concurrence.

The Chair laid before the House the fourteenth tabled and today assigned matter:

Bill "An Act to Grant Adult Rights to Persons Twenty Years of Age" (H. P. 1162) (L. D. 1484)

Tabled—June 9, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

On motion of Mr. Huber of Rockland, retabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the fifteenth tabled and today assigned matter:

Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Twenty Years (H. P. 614) (L. D. 802)

Tabled—June 9, by Mr. Farnham of Hampden.

Pending—Final Passage.

On motion of Mr. Corson of Madison, retabled pending final passage and specially assigned for tomorrow.

The Chair laid before the House the first tabled and later today assigned matter:

The following Order:

ORDERED, the House concurring, that the State Board of Education be directed to declare a moratorium on the construction of regional technical vocational centers at the high school level excepting the following list of schools which are either operating centers or will be operating in the near future or are working on their final plans and are specifically authorized to continue: Augusta, Waterville, Westbrook, Sanford, Lewiston, SAD 46 — Dexter, SAD 1 — Presque Isle, Bath, Biddeford, SAD 61—Bridgton, SAD 7—Farmington, SAD 54—Skowhegan and Portland; and be it further

ORDERED, that no new centers shall be authorized until the State Department of Education has made a thorough study of the regional center program and reported its findings and recommendations to the 105th session of the Legislature. (S. P. 493)

Came from the Senate read and passed.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Chick.

Mr. CHICK: Mr. Speaker and Members of the House: I would like to offer House Amendment "A" to Senate Joint Order S. P. 493 and speak to the motion.

House Amendment "A" under (H-511) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CHICK: Mr. Speaker and Members of the House: It is apparent that somewhere in typing up this order they had the wrong SAD. The Order reads SAD 7, Farmington, when it should have been SAD 9, and that is the purpose of the amendment, to correct the error in the original order.

Thereupon, House Amendment "A" was adopted and the Joint Order was passed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the second tabled and later today assigned matter:

The following Order:

ORDERED, the House concurring, that Bill, "AN ACT Declaring Procedures for Acquiring and Protecting Antiquities on State Lands" (S. P. 389) (L. D. 1314) be recalled from the Legislative Files to the Senate (S. P. 495)

Came from the Senate read and passed.

On motion of Mr. Birt of East Millinocket, tabled pending passage in concurrence and specially assigned for tomorrow.

The Chair laid before the House the third tabled and later today assigned matter:

Bill "An Act relating to Welfare Assistance" (H. P. 687) (L. D. 918) which was indefinitely postponed in the House on May 19,

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" as amended by Senate Amendment "A" thereto in non-concurrence (S. "B" S-224) (S. "A" to S. "B" S-240)

On motion of Mr. Birt of East Millinocket, retabled pending further consideration and specially assigned for tomorrow.

The Chair laid before the House the fourth tabled and later today assigned matter:

Bill "An Act to Provide for Taxation and Regulation of the Associated Hospital Service of Maine" (H. P. 885) (L. D. 1144)

On motion of Mr. Scott of Wilton, retabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the fifth tabled and later today assigned matter:

Bill "An Act to Provide a More Equitable Method of Distributing School Subsidy" (H. P. 1254) (L. D. 1586)

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Fecteau.

Mr. FECTEAU: Mr. Speaker and Members of the House: I would like to make a motion for indefinite postponement of this bill, and I shall speak to my motion.

The SPEAKER: The gentleman from Biddeford, Mr. Fecteau, moves the indefinite postponement of L. D. 1586, and the gentleman may proceed.

Mr. FECTEAU: Mr. Speaker and Members of the House: I regret of a few days ago when I made a few remarks and Mr. JAlbert mentioned that my remarks should be reprinted and reproduced and distributed around to the members that I didn't take action at that time. Of course, this is my third term, but sometimes there are things that you don't know and I figured that probably the House would take action and have them distributed. And of course I am sorry about this.

The next thing that I am sorry of—before I make my remarks—is that I looked at the newspapers the next morning and I saw all

the remarks made by everybody else but my own remarks, which I really resent for the only reason that I am the only member of a town or a city where there are private schools, and I am going to tell you the reason why I am working to try to remedy the situation.

It isn't because I am 100% in favor of these schools. We are not having help from the diocese. They don't seem to care and I care less. I am fighting for the simple reason that this is a money saving for the State of Maine and for the cities and towns where these schools are. And this is for the simple reason that I am trying to have a little help. As far as I am concerned, if we don't take action this year, it will all go on the back on the towns and cities of the state and I don't care less.

As far as this bill here, they take all this a new subsidy, a new help. Well I am going to tell you a couple of inequities there is in that bill and it is still worse you know than the other subsidy.

The City of Portland—and I am not saying that because they are going to receive too much because they don't even have their fair share even at that—will receive by this new subsidy a half a million dollars more. The City of Portland is five times the school population that we have in the public schools. We are to receive \$37,000. If you will multiply five times 37, it will give us roughly \$160,000 more. This is one of the inequities.

The other day I gave you for comparison Fort Kent. I don't hold anything against my good friend here, Mr. Bourgoin, right next to me. Good, if they are having all this money, good for them. But on this subsidy, if I took them as an example. Now under this new subsidy they are going to receive \$100,000 more. So how do you think we are going to stand in this new subsidy?

I feel that we should indefinitely postpone this bill and when the bloc grant comes back here, enact the bloc grant so that we can receive a few thousand dollars in order to be able to hold onto these schools and save the State some

money. That is right, share and share alike.

I want to tell you that when this bill comes out for new taxes I hope that you won't blame me if I go the other way and go against any extra taxes if nothing is done to help us.

One thing that I would like to mention too is that we are all talking about saving money. Last night I was running around thinking of what I was going to say today and I drove around the capitol here and I wonder if they don't have a switch to put out these lights. This thing here is decorated just like a Christmas tree. I wish that I could save half of this money so that we could have help for our schools for all the extra kilowatt-hours that they are using here.

I am not mad. I might sound like this, but I hope that my friends from these cities and towns that have private schools will support my motion. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Certainly at this stage I hope to beg the indulgence of the House so you will not indefinitely postpone this document as indicated by the gentleman from Biddeford, Mr. Fecteau. And I am assuming that the gentleman's remarks are based that he certainly doesn't want to increase the taxes or raise additional taxes to pay for services as indicated by his voting records on tax measures up to this date in this session.

However, I judge by his remarks that he has just indicated that he would support a bloc grant formula for distribution of monies to the different localities. It just occurs to me as to how this money is going to be raised so that we can equitably distribute the monies to the local municipalities, knowing fully well that the gentleman in Biddeford has a problem and the same problem exists in many other communities where they are concerned with both private and parochial schools.

The motion to indefinitely postpone this bill is certainly not go-

ing to help correct that problem and I don't think that the amount of money that is going to be raised or that is proposed in the bloc grant proposal is going to be raised at this session to help the City of Biddeford and many other cities. So therefore I hope that you will vote against the motion to indefinitely postpone this bill. It is a unanimous committee report and at this session of the Legislature when I find that the Education Committee comes out unanimously for a report there must be something that is good in it. It may not be entirely good but certainly what we have passed for the first year of the biennium wasn't exceptionally good either. So if they have been able to arrive at a compromise or somewhat of a compromise for the second year of the biennium I think we ought to give them an A for effort. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I too arise to oppose the motion of my very good friend from Biddeford, Mr. Fecteau. If the gentleman will look at the list of the monies to be returned to the community he will find that his community does get a marked increase. The 103rd Legislature also provided that if parochial school youngsters, if a parochial school does close that the youngsters would be counted in the year that the school closes so that the local community would not have to absorb the cost for two years before being reimbursed.

I would submit that a 20% increase which is what he receives would be a very great help. In my own district, you can check the figures on the sheets before you, we will lose 10%, but I am going to support the bill anyway because I am convinced that it is a very fair treatment of communities, of all of the communities in Maine. This is a compromise as Mr. Levesque from Madawaska pointed out. It is a measure that tries to include basically the best of all that we have studied for the past five or six months and I would certainly hope that we would not go along with the motion to in-

definitely postpone and when the vote is taken I request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: We have before us today two methods for providing state revenues to municipalities and school units. These methods are the so-called "new equitable method of distributing school subsidies" and the compromise bloc grant program.

The bloc grant program has been criticized by many as being proposed too late in the session and needing more study. Ladies and gentlemen of the House, only yesterday, June 9, the Education Committee reported out L. D. 1586, a completely new method of providing school subsidies. I happen to know that the proposal was only completed by the Education Committee last week. Now, let's be serious. L. D. 1586, before today, has had no public hearing and in fact, will not be reviewed by the school superintendents until today. My question is, which proposal needs more study?

The Education Committee comments on the new proposal indicate that an attempt has been made to incorporate some of the best features of the so-called Kellam, Richardson and bloc grant proposals. The fact is, however, that L. D. 1586 fails to provide any funding for the so-called tax effort pool. Is this incorporating the best features of the several proposals?

Many are undoubtedly going to say that the new subsidy formula provides approximately the same amounts of money to communities as the compromise bloc grant program. In certain instances this is in fact the case. However, I would not suggest that this makes L. D. 1586 an equitable plan.

The new subsidy approach has one major fault — it assumes that a community with a high per pupil state valuation has greater ability to finance education for its students. This is one of those half truths. What the program fails to recognize is the other services which the city or town may have to provide on the same tax base. Again, I suggest what is appro-

priated for other municipal services has a relationship to what is appropriated to education.

The other major difference between L. D. 1586 and the bloc grant compromise is the fact that the compromise starts to get away from the concept of dedicated revenue for education.

The bloc grant monies cannot be used for any specific municipal program, but must be used to reduce the property taxes to be assessed on the property.

Ladies and gentlemen of the House, I urge you to vote against the new school subsidy proposal. I suggest you vote for the passage of the compromise bloc grant program which continues the existing school subsidy formula for the next biennium and initiates bloc grants with only the new revenues the Legislature plans to appropriate for municipalities. I then suggest that the Legislative Research Committee be directed to study in much greater detail the school subsidy program and the bloc grant concept and present recommendations to the 105th Legislature.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker, I would like to attempt to answer some of the questions that have been brought up in previous debate which have been somewhat either critical or apprehensive in relation to the new subsidy proposal which is before you. I do feel a great deal of good has come out of this debate both this morning, last week and the debate on the bloc grant proposal and in previous get-togethers and discussions over the present existing subsidy law and what has gone into this proposal which is before you this morning.

The first thing I would like to attempt to answer is the question of how much study has gone into this particular proposal as contained in L. D. 1586. I would go back to the end of the 103rd Legislature when, as I gather, a Joint Order directed the Maine Education Council to study an interim— to make an interim study of the entire subsidies situation as it existed under the present law and

come up with a recommendation. This recommendation was made, a very lengthy, a very objective, a very factual and a document containing many good points. It was contained in the so-called Kellam bill, L. D. 535. This was studied a great deal along with a municipal overburden feature which it contained. I would further say that the L. D. which this serves as a redraft from, L. D. 683, was the result of a good deal of study prior to the convening of this session in January.

I would further say that since the convening of the Legislature I personally have looked at over a hundred print-outs from computer to germinations of subsidy distributions. I have spent hours and hours, both prior to the introduction of a bloc grant theory and since the matter came on the horizon.

I think it is very ill conceived and very poor criticism to make at this time that this document before you has had no study whatever. I challenge anyone to actually stand behind such a contention.

Without going into this point any further, I think the gentleman from Biddeford, Mr. Fecteau has brought up a further point, one which we also looked into, one which has been taken up in previous legislatures and in which a certain amount of action has already been taken in this session. I am referring to the question of the parochial school child. Now I believe in the 103rd Legislature, as Mr. Richardson has referred to, those of you who were here, and other members, adopted a plan whereby the parochial school closing which normally occurs in the spring of the year, and I am referring to and the timing is very good, over the weekend five parochial school closings occurred in the State of Maine.

Now under existing subsidy laws, April 1st enrollments are the key to the determination of money. This action, which was enacted in the 103rd, provided that whenever a parochial school closed out during a given calendar year those students who became the property or the responsibility of the public school system upon usually the start of the new school

year in September would be counted for full subsidy purposes for the entire period of the subsidy distribution. I have felt this was not only a good law but a very fair and equitable law.

In this session of the Legislature, in two bills introduced by the gentleman from Lewiston, Mr. Jalbert we have taken further consideration of the parochial school problem. I refer to one bill, I don't have the number available which called for the same treatment when a part of a parochial school was closed, namely, one grade, one room or some combination, but less than the entire building.

Third, a bill, which we heard even after cloture date and gave a unanimous "ought to pass" report on, provided for the lease of school facilities owned by parochial, either church organizations or private organizations, for the use of the public school children when situations of this emergency nature were brought about. I am sure that any measure which attempts to distribute money on the basis of educational support has to take into concern pupils and pupils alone as far the actual number of individuals being considered under this distribution.

We have considered parochial school children, we have to consider them. At this time, however, if you subscribe to the separation of church and state I don't feel that you can directly subsidize those children who are getting a parochial school education. Now if this matter could be studied, certainly this is something which anyone with an objective mind would not disagree with.

The third criticism is that of wealth and I think it has been brought out by the gentleman from Biddeford, Mr. Fecteau, that in a case of Portland, which has a substantial number of private school children in comparison to his own City of Biddeford, but they received a much greater proportionate increase due to this program than his town. The only reason for this is found very obviously in their comparisons of wealth. Now the actual statistics which I will give you and I know are meaningless, show that Biddeford has a per pupil valuation of

19,150. The City of Portland, our largest city, has a per pupil valuation of 14,546. This difference is the primary reason for the proportionate difference in the new subsidy law.

Now notwithstanding per pupil valuation, which is the proposed measure of wealth that you have contained in this L. D., we have studied many ways of determining the actual wealth of a community to support both school and municipal services. We have considered excise tax receipts as one approach. We have come back to the idea of personal income in terms of per capita income as a good measure of actual wealth within a community.

I think in the future any measure which can be equitably proven to be more objective and more factual than what we have here would certainly not fall upon deaf ears.

Now I think the subsidy plan before you does deserve some explanation. I don't want to bore you. I think the charges that have been brought about should be answered and I have tried to do so. But I think before we embark upon anything new, you as individual legislators should seek to get the answers to your own individual questions, to your own geographic questions, and your own philosophical questions. I think you will find members of the Education Committee receptive.

I hope you will oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker and Members of the House: I feel as if I should attempt to answer the good gentleman from Madawaska, Mr. Levesque, the question that he posed in regards to where the money is coming for the bloc grant proposal that is tabled until tomorrow.

There is a \$1,175,000 less in the bloc grant proposal than is proposed under this L. D. before us now. This \$1,175,000 is that much less than is in the Part II budget.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I have a question of the Education Committee. I have before me legislative document 1586 and previous documents in relation to distribution of educational funds as they have forwarded a chart showing what each community and each school district would get. I wonder if there is anything like that available to support this document? If there is, I don't seem to have one.

The SPEAKER: The gentleman from Enfield, Mr. Dudley poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, on the desks the other day was a complete print-out of just exactly what each community would get and each School Administrative District. I hope that answers the gentleman's question.

Mr. Speaker, while I am on my feet if I may, my good friend, Mr. Snow referred to the fact that this proposal doesn't, that the bloc grant proposal doesn't have as much money in it as this one. I would submit that the original bloc grant proposal which was the one that was so rosily sold to the House has \$50 million in it by their own admission, and I think if you worked the bloc grant over without the \$50 million in it that it wouldn't look as pleasant to all of the Legislators.

Secondly, he raised the question of the Maine superintendents meeting today. I can tell you they came to Augusta prepared to take issue with the new plan of State subsidy but that before the meeting was over they passed a resolution supporting the new subsidy plan, 1586 with only two voting against it.

The SPEAKER: For the Chair to order the yeas and nays it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken and more than one fifth having ex-

pressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Fecteau, that Bill, "An Act to Provide a More Equitable Method of Distributing School Subsidy," House Paper 1254, L. D. 1586, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Bedard, Carey, Casey, Chandler, Coffey, Durgin, Fecteau, Good, Hall, Lee, Marquis, McNally, Nadeau, Noyes, Pratt, Sheltra, Snow, Starbird.

NAY — Allen, Baker, Barnes, Benson, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brown, Burnham, Carter, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Cottrell, Cox, Crommett, Crosby, Croteau, Cummings, Curran, Dennett, Donaghy, Dudley, Dyar, Erickson, Eustis, Farnham, Faucher, Finemore, Fortier, A. J.; Foster, Fraser, Gauthier, Gilbert, Giroux, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Jalbert, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lincoln, Lund, MacPhail, Marstaller, Martin, McTeague, Meisner, Millett, Mitchell, Moreshead, Morgan, Mosher, Norris, Ouellette, Page, Payson, Porter, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Vincent, Waxman, Wheeler, White, Wood.

ABSENT — Brennan, Buckley, Bunker, Carrier, Couture, Curtis, Cushing, D'Alfonso, Dam, Danton, Drigotas, Emery, Evans, Fortier, M.; Hunter, Jameson, Kelleher, Lewis, McKinnon, Mills, Quimby, Ricker, Rocheleau, Ross, Santoro, Soulas, Tanguay, Watson, Wight, Williams.

Yes, 18; No, 102; Absent, 30.

The SPEAKER: Eighteen having voted in the affirmative and one hundred and two in the negative, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, in deference to the good gentleman from Presque Isle, I will guarantee there will be an order in before we leave that this will be studied by Research.

The Chair laid before the House the sixth tabled and later today assigned matter:

Bill "An Act Creating Civil Liability to the State for Pollution of Waters" (H. P. 1255) (L. D. 1587)

On motion of Mr. Cox of Bangor, tabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the seventh tabled and later today assigned matter:

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1256) (L. D. 1588)

On motion of Mr. Rideout of Manchester, tabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the eighth tabled and later today assigned matter:

An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions (H. P. 1234) (L. D. 1566)

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the ninth tabled and later today assigned matter:

Bill "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine" (S. P. 338) (L. D. 1136) (In Senate, passed to be engrossed as amended by Committee Amendment "A" S-199 and Senate Amendment "A" S-221)

Tabled — June 6, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

On motion of Mr. Dennett of Kittery, tabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the tenth tabled and later today assigned matter:

Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices" (H. P. 770) (L. D. 1003)

Tabled—June 9, by Mrs. Payson of Falmouth.

Pending — Passage to be engrossed.

On motion of Mr. Berman of Houlton, tabled pending passage to be engrossed and specially assigned for tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, with reference to item six on page four, we had a third reader this morning—Bill "An Act Establishing a Full-time Administrative Hearing Commissioner," House Paper 1242, L. D. 1577, I move that we reconsider our action whereby this had its third reading as amended this morning.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes moves that the House reconsider its action of earlier in the day whereby L. D. 1577 was passed to be engrossed as amended by House Amendments "A" and "B".

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, at the risk of being repetitive, could I ask the gentleman for what reason he would like to have this reconsidered?

The SPEAKER: The gentleman from Manchester, Mr. Rideout poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he chooses.

Mr. HEWES: Mr. Speaker, in answer to the gentleman's question, this morning House Amendment "B" was offered and passed. It is under filing number H-506 and if we reconsider the bill itself, I have been asked if we reconsider House Amendment "B" with

the eventual aim that we will reconsider passage of House Amendment "B," H-506.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I would ask that this lay on the table for one legislative day.

The SPEAKER: The gentleman from Manchester, Mr. Rideout now moves that the reconsideration motion be tabled until the next legislative day. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, on page 5, item 14, An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions, I admit things have been going pretty fast here today and I would like to reconsider this and if some kind soul would table it, I would like to take kind of a close look at this and any of these other things that creates new commissions and so forth. I therefore would move that we reconsider item 14 on page 5 of today's calendar.

The SPEAKER: The Chair would advise the gentleman that this Bill was not enacted until the afternoon session. A reconsideration motion is in order.

Mr. DUDLEY: I hope, because I suspect there are other members that would like to keep up with what is going on in this House as well as I do, and I would just like to have a little closer look at it and I hope that many others feel the same way, so I so move that we reconsider our action.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, moves that the House reconsider its action whereby item 14 on page 5, An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions, House Paper 1234, L. D. 1566, was passed to be enacted.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, as the sponsor of this deserv-

ing, worthwhile, long overdue legislation, I have no objection to giving the gentleman from Enfield, Mr. Dudley and the other members of the House an opportunity to examine it, and I would request that someone table this motion for reconsideration until the next legislative day.

Thereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending the motion of Mr. Dudley of Enfield to reconsider and specially assigned for tomorrow.

The following Communication, appearing on Supplement No. 1, was taken up out of order by unanimous consent:

STATE OF MAINE
SUPREME JUDICIAL COURT
AUGUSTA, MAINE

June 10, 1969

Hon. Bertha W. Johnson
Clerk, House of Representatives
State House
Augusta, Maine 04330

Dear Mrs. Johnson:

There is enclosed the Answers of the Justices to the Questions of June 5, 1969.

Respectfully yours,
(Signed)

ROBERT B. WILLIAMSON
ANSWERS OF THE
JUSTICES

TO THE HONORABLE HOUSE
OF REPRESENTATIVES OF THE
STATE OF MAINE:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on June 6, 1969.

QUESTION NO. 1: Do the provisions of Legislative Document No. 1568 providing for a tax on income derived from certain intangibles violate the provisions of Article IX, Section 8 of the Constitution of Maine?

ANSWER: We answer in the negative.

Article IX, Section 8 of the Maine Constitution reads:

"All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof; but the

Legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property.”

The governing principles sustaining the constitutionality of an income tax were fully discussed in the unanimous advisory Opinion of the Justices in 1935, 133 Me. 525. We drew heavily from their opinion.

“The full power of taxation is vested in the Legislature and is measured not by grant but by limitation.” Opinion of Justices, 123 Me. 576, 577 (1923) (gasoline tax).

In our view the proposed income tax on dividends and interest is not a tax upon intangible personal property and therefore the Constitution does not limit the power of the Legislature to levy the proposed tax.

The tax is upon interest and dividends. It is imposed upon receipt of such income by individuals, partnerships, or fiduciaries. The intent to reach the beneficial owner of the income resident in Maine is apparent.

“The proposal is to tax the privilege of receiving income.” The tax is levied “upon the person, not upon property.” Opinion of Justices, 133 Me. 525, 528. See also 85 C.J.S. **Taxation** § 1089.

In 1969, as in 1935, the procedures for collection are against the individual and not against the income-producing property. Section 5738 provides specifically that the tax “shall be a personal debt of the taxpayer to the State.” For examples of taxes not on property see *State v. Stinson Canning Co.*, 161 Me. 320 (excise tax); *State v. Hamlin*, 86 Me. 495 (graduated inheritance tax); Opinion of Justices, 102 Me. 527, 529 (gross receipts tax on railroads); *Stephenson v. Curtis*, Me., 238 A. 2d. 613, 615 (1968) (motor vehicle excise tax).

Under the proposed Act, we note that the types of taxable income are limited to interest and dividends of certain kinds. As the Justices said in Opinion of Justices, 102 Me. 528, “The Legislature may, nevertheless, determine what kinds and classes of property shall be taxed and what kinds and classes

shall be exempt from taxation.” We find no violation of our Constitution in excluding, for example, income from real estate from the income to be taxed, or in specifically exempting from the taxable income defined in Section 5705 the interest from the intangibles there exempted.

The exemptions under Section 5706 of \$1,000 “of each income otherwise taxable” and under Section 5709 of income of any qualified “literary and scientific or benevolent and charitable institution” are not constitutionally objectionable. Exemptions of like nature in the federal income tax are known to all.

The principle that the power of the Legislature to tax is measured not by grant but by limitation is operative. For exemptions from real and personal property taxes, see 36 M.R.S.A. § § 651-656, c. 105, subchapter IV.

QUESTION NO. 2: Do the provisions of Legislative Document No. 1568 providing for a tax on income derived from certain intangibles violate the provisions relating to equal protection contained in the Fourteenth Amendment to the Constitution of the United States and in the Constitution of Maine, Article I, Section 6-A?

ANSWER: We answer in the negative.

The proposed tax is levied against residents on income arising both within and without the State. The Supreme Court of the United States, in sustaining a tax against an individual taxpayer upon income earned without the State although exempting from tax corporate income earned without the State, said:

“The obligation of one domiciled within a state to pay taxes there, arises from unilateral action of the state government in the exercise of the most plenary of sovereign powers, that to raise revenue to defray the expenses of government and to distribute its burdens equally among those who enjoy its benefits. Hence, domicile in itself establishes a basis for taxation. Enjoyment of the privileges of residence within the state, and the attendant right to invoke the

protection of its laws, are inseparable from the responsibility for sharing the costs of government . . . The Federal Constitution imposes on the states no particular modes of taxation and . . . it leaves the states unrestricted in their power to tax those domiciled within them, so long as the tax imposed is upon property within the state or on privileges enjoyed there, and is not so palpably arbitrary or unreasonable as to infringe the Fourteenth Amendment." **Lawrence et al v. State Tax Commission of Mississippi** 286 U. S. 276, 279 (1932).

There is no violation of "equal protection" under either the State or Federal Constitutions.

QUESTION NO. 3: Do the provisions of Legislative Document No. 1568 providing for a tax on income derived from certain intangibles violate the provisions relating to due process contained in the Fourteenth Amendment to the Constitution of the United States and in the Constitution of Maine, Article I, Section 6-A?

ANSWER: We answer in the negative.

There is no constitutional objection to taxation of income earned

without the State. In **Maguire v. Trefry, Tax Commissioner of the Commonwealth of Massachusetts** 253 U. S. 12, (1920) the Court so held in upholding a Massachusetts tax on such income held by a non-resident trustee under a statute substantially as our Section 5713.

Provision is made for abatement and judicial review.

There is no violation of "due process" under either the State or Federal Constitutions.

Dated at Augusta, Maine, this 10th day of June, 1969.

Respectfully submitted:

(Signed)

Robert B. Williamson
Donald W. Webber
Walter M. Tapley, Jr.
Harold C. Marden
Armand A. Dufresne, Jr.
Randolph A. Weatherbee

The Communication and accompanying Report were read and ordered placed on file.

(Off Record Remarks)

On motion of Mr. Benson of Southwest Harbor,

Adjourned until nine-thirty o'clock tomorrow morning.