

# 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**

Wednesday, June 11, 1969

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

Prayer by the Rev. Mr. Lawrence Merckens of Hallowell.

The journal of yesterday was read and approved.

On the disagreeing action of the two branches of the Legislature on Resolve in Favor of Town of Harrington for Medical Care of an Indigent (H. P. 543) (L. D. 722) the Speaker appointed the following Conferees on the part of the House:

- Mrs. LINCOLN of Bethel
- Messrs. QUIMBY of Cambridge
- CURTIS of Bowdoinham

On the disagreeing action of the two branches of the Legislature on Bill "An Act Concerning the Adoption of State Wards" (H. P. 760) (L. D. 980) the Speaker appointed the following Conferees on the part of the House:

- Mrs. LINCOLN of Bethel
- Messrs. CURTIS of Bowdoinham
- OUELLETTE of South Portland

**Papers from the Senate  
Non-Concurrent Matter**

Bill "An Act Revising the General Laws Governing the Town Manager Form of Government" (H. P. 900) (L. D. 1161) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto, and House Amendment "A", in the House on June 4.

Came from the Senate with Committee Amendment "A" as amended by House Amendment "A" thereto indefinitely postponed, House Amendment "A" indefinitely postponed, and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

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

**Non-Concurrent Matter**

Bill "An Act Regulating Snowmobiles (S. P. 455) (L. D. 1501) which was passed to be engrossed as amended by Senate Amendment "C" and House Amendments "A", "B", "C", "D", "E", and "F" in non-concurrence in the House on June 5.

Came from the Senate with House Amendments "B", "C", "D" and "E" indefinitely postponed and the Bill passed to be engrossed as amended by House Amendments "A" and "F" and Senate Amendment "C" in non-concurrence.

In the House:

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

Mr. FINEMORE: Mr. Speaker, I move we recede and concur from our former action, and I would like to speak briefly to my motion.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore moves that the House recede from its former action and concur with the Senate. The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker and Members of the House: A gentleman contacted some of the members of our committee in this branch and the other branch. His name was Haney from Wisconsin and he said this bill in its original form with the Senate amendments they would like to make a model bill out of it and use it in his own state and other states, they found it so good.

I have also contacted six different towns in my district and found that they all very much agreed with the method of taxation and registration. I believe in our committee we found that all the clubs practically all in the state agreed with this, and I hope that you will go along with my motion to recede and concur.

Thereupon, the House voted to recede and concur with the Senate.

**Messages and Documents**

The following Communication:

THE SENATE OF MAINE

Augusta

June 10, 1969

Honorable Bertha W. Johnson  
Clerk of the  
House of Representatives  
104th Legislature

Dear Madam Clerk:

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Concerning the Adoption of State Wards. (H. P. 760) (L. D. 980). The President has appointed the following members of the Senate to the Committee of Conference:

Senators: MILLS of Franklin  
VIOLETTE of Aroostook  
CONLEY of Cumberland

The President has appointed the following members of the Senate to the Respective Committees of Conference on the disagreeing action of the two branches of the Legislature on the following items:

Bill, An Act relating to Damage to Private Water Supplies Resulting from Alteration of Highways. (H. P. 445) (L. D. 569)

Senators: GREELEY of Waldo  
CIANCHETTE of Somerset  
PEABODY of Aroostook

Bill, An Act relating to the Military and Naval Children's Home (H. P. 1203) (L. D. 1530).

Senators: REED of Sagadahoc  
STUART of Cumberland  
CONLEY of Cumberland

Resolve relating to Retirement Allowance for Hal. G. Hoyt of Augusta (H. P. 868) (L. D. 1110).

Senators:  
HANSON of Kennebec  
MINKOWSKY of Androscoggin  
BARNES of Aroostook

Bill, An Act relating to Mediation Authority of State Employees Appeal Board (H. P. 1035) (L. D. 1345).

Senators:  
LOGAN of York  
TANOUS of Penobscot  
DUNN of Oxford

Bill, An Act Providing for Preferential Preferences in Primary Election (H. P. 516) (L. D. 687)

Senators:  
DUNN of Oxford  
KELLAM of Cumberland  
TANOUS of Penobscot

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)  
Senators:

WYMAN of Washington  
LETOURNEAU of York  
DUNN of Oxford

Bill, An Act relating to Neglect of Official Duty by Municipal Officers (H. P. 528) (L. D. 699)

Senators:  
VIOLETTE of Aroostook  
MILLS of Franklin  
QUINN of Penobscot

Bill, An Act relating to the Statute of Limitations for the Malpractice of Physicians. (S. P. 85) (L. D. 279)

Senators:  
STUART of Cumberland  
DUNN of Oxford  
MOORE of Cumberland

Bill, An Act relating to Bids for Contractual Services under the Auburn City Charter (H. P. 963) (L. D. 1243)

Senators:  
BERNARD of Androscoggin  
MARTIN of Piscataquis  
MINKOWSKY of Androscoggin

Resolve in Favor of Town of Harrington for Medical Care of an Indigent (H. P. 543) (L. D. 722).

Senators:  
WYMAN of Washington  
PEABODY of Aroostook  
CONLEY of Cumberland

Bill, An Act Relating to Qualifications of Savings Bank Trustees and other Officers (S. P. 406) (L. D. 1370)

Senators:  
HOFFSES of Knox  
KELLAM of Cumberland  
HANSON of Kennebec

Respectfully,  
(Signed) JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The SPEAKER: The House will be at ease for a few minutes.

**House at Ease**

Called to order by the Speaker.

**Orders**

Mrs. Cummings of Newport presented the following Order and moved its passage:

WHEREAS, the House is informed of the birth of a son to the Representative from Portland Mr. Brennan, and Mrs. Brennan.

AND WHEREAS, the Members of the House are much pleased and wish to extend their heartiest congratulations to Mr. and Mrs. Brennan;

BE IT ORDERED, that the baby son be named Joseph Edward and that the Clerk of the House be directed to send the proud parents an attested copy of this order.

The Order received passage.

**(Off Record Remarks)**

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: First of all I would like to express the appreciation for my entire family for the kindness of the Legislature in its expression of sympathy in the sudden death of my father. I make the following brief comments, not as a eulogy but to show one man's traits as a guide to others in these troubled times. It might well serve as an example that not all of the older generation were oblivious to the needs of others.

I make a couple of observations, not only as his son but also as my best friend. He was one of the most brilliant men I have ever met but even more important than that he had a very deep sense of fairness and humility. As an example, he earned his Phi Beta Kappa key while he was a junior at Bowdoin College. He never once wore it because he felt that that would be bragging and ostentatious. When he passed the Maine bar examination he received the highest grade ever attained in the State of Maine at that time. He never mentioned this to anyone.

We often talk about economic development. He took over an obscure company of 100 men and he built it up to 1200 men during World War II. It earned worldwide reputation. He never boasted about this and he shunned pub-

licity although he held a national office in his business. He was truly a gentleman of honesty and integrity. He was admired by his entire work force for his fair treatment.

I state these facts only as a prelude in expressing my thanks to all of you for the Resolution, for the flowers, the telegrams, the cards, the calls and the kind personal remarks that people have made to me. Once again it shows that the members of our Legislature have proven that they have genuine concern and conscientiousness and I thank you all very much.

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**House Reports of Committees  
Ought to Pass in New Draft  
New Drafts Printed**

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act Repealing the Law Relating to Truth-in-Lending and Disclosure of Interest and Finance Charges in Retail Sales" (H. P. 797) (L. D. 1038) reported same in a new draft (H. P. 1261) (L. D. 1591) under title of "An Act Establishing a Truth in Lending Law" and that it "Ought to pass" Report was read.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of the unanimous Committee Report and would speak to the motion.

The SPEAKER: The gentleman from Wilton, Mr. Scott moves the acceptance of the "Ought to pass" in new draft Report.

The gentleman may proceed.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1591, An Act Establishing a Truth in Lending Law. The last Legislature enacted a Truth in Lending law. I suppose I could say now in retrospect that "I told you so," because the law was enacted in haste when it was obvious that we were going to have a federal law.

We are now in the position of complying with the federal law and if the state law remains on the books businessmen will have to comply with both laws because

Truth in Lending is turning into such a nightmare of legalities even before July 1, which is the effective date of the federal law, when all lenders must start disclosing to customers the true cost of borrowing or buying on time. This applies to banks, merchants, savings and loan institutions, automobile dealers, small loan firms and others.

It is necessary that we pass this emergency legislation to eliminate the double compliance. I am prepared to give you a detailed explanation on this bill if you wish. However, in the interest of saving time I think it would be unnecessary because so much work has gone into this bill by the Business Committee, the Attorney General's office, the Banking Department and all others who are interested, and I am very happy to say that as far as I know all are in agreement that this is the action we should take at this time. Thank you.

Thereupon, the Report was accepted, the New Draft read twice and tomorrow assigned.

Mrs. Wheeler from the Committee on Legal Affairs on Bill "An Act to Grant a New Charter to the Town of Brunswick" (H. P. 962) (L. D. 1254) reported same in a new draft (H. P. 1260) (L. D. 1590) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

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**Divided Report  
Tabled Until Later in Today's  
Session**

Majority Report of the Committee on Taxation on Resolve Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use (H. P. 878) (L. D. 1121) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WYMAN of Washington  
HANSON of Kennebec  
— of the Senate.

Messrs. COTTRELL of Portland  
ROSS of Bath  
HARRIMAN of Hollis  
Mrs. WHITE of Guilford  
— of the House.

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

Report was signed by the following members:

Mr. MARTIN of Piscataquis  
— of the Senate.

Messrs. SUSI of Pittsfield  
DRIGOTAS of Auburn  
FORTIER of Rumford  
— of the House.

Reports were read.

(On motion of Mr. Susi of Pittsfield, tabled pending acceptance of either Report and later today assigned.)

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**Third Reader  
Tabled Until Later in  
Today's Session**

Bill "An Act relating to Salaries of Legislative Research Committee Officials" (H. P. 43) (L. D. 44)

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

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

Mr. MORESHEAD: Mr. Speaker, I am having an amendment prepared and I would hope that someone would table this until later in today's session.

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

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**Passed to be Engrossed**

Bill "An Act relating to Charitable Organization's Immunity in Civil Actions" (H. P. 558) (L. D. 739)

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

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**Third Reader  
Amended**

Bill "An Act to Provide for the Interception of Wire and Oral Communications" (H. P. 769) (L. D. 1002)

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

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: I have three amendments which I would like to present for L. D. 1002, item No. 3, on page 3; they are: H-461, H-499 and H-513. These three amendments to the bill, An Act to Provide for the Interception of Wire and Oral Communications, are in response to requests on the part of various individuals in the House that limitations, further limitations be put on the already stringent restrictions which are provided for in this bill.

I would like to present this bill to you so that you will understand exactly what it comes down to and I am pleased to be the sponsor of it.

This so-called wiretapping bill is presented because at present in Maine our telephones can be wiretapped and our homes and our offices filled with bugging devices. We are legally defenseless. The bugging device is sophisticated, efficient and miniaturized now. We all know about the wall microphone which can hear and record conversations in adjoining rooms; conversations outdoors and through open windows can be monitored from hundreds of yards away. There are even bugging devices which are as small as the head of a match stick which can be concealed with the greatest of ease obviously. New buildings can be completely wired for sound without your knowledge. A mike can be disguised as a button on a suit or a dress. Radio pills to be put in your food or medicine closet will broadcast for up to six hours from your stomach to a listener. Jamming devices are available but they are cumbersome and expensive.

We in Maine can say "It won't happen here." But why should Maine be immune when it is happening in the rest of the United States? Yet we have no legal recourse against this bugging and wiretapping unless we enact controlling legislation.

This bill outlaws all wiretapping and all bugging devices for everyone, including the private citizen, the governmental official, and even law enforcement people. Stiff penalties are provided for those who do not comply. L. D. 1002 protects the individual against the invasion of his privacy.

There is one exception to the complete outlawing of all electronic surveillance. According to the amended bill, if the Attorney General's office can show probable cause, he may apply to a judge of the Superior Court for a court order authorizing interception. A law enforcement officer may then use these devices in the investigation of designated criminal offenses.

Not too long ago in southern Maine a lucrative bookmaking operation involving betting on horse racing, numbers games, baseball and football games was making "hay." Hundreds of thousands of dollars was being bet. The operation was thriving mainly on the business received over the telephone.

This bill is almost identical to the federal Safe Streets Act. Our municipal, county and state law enforcement officials support this bill. It is our defense against that small group of human sharks in society who would cheerfully eat us. Thank you.

Mrs. Payson of Falmouth then offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-499) was read by the Clerk.

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

Mr. BERMAN: Mr. Speaker, I would move indefinite postponement of House Amendment "B" and speak on that motion.

The SPEAKER: The gentleman from Houlton, Mr. Berman moves the indefinite postponement of House Amendment "B" and the gentleman may proceed.

Mr. BERMAN: Mr. Speaker, Members of the House: If you will look at this complicated amendment which is designated under filing number H-499, you will see that it says among other things—

"Amend said Bill in that part designated '\$711' by striking out in the 5th line (same in L. D.) the underlined words 'or approving'; and by striking out in the first and 2nd lines of subsection 1 (first line of L. D.) the underlined words 'or approving'; and by striking out in the 4th line of paragraph E of subsection 1 (3rd and 4th lines of L. D.) the underlined punctuation and words 'or for approval of interceptions of,'; et cetera, et cetera, you would be able to see that this is a pretty complicated matter.

Now as my friend the gentle lady from Falmouth has pointed out, there has been a problem of the right of privacy in this country. But the right of privacy in this country should not be allowed to obscure the really unnecessary piece of legislation such as wiretapping. If we are really concerned with privacy in the United States, I suggest we listen to the words of Mr. Justice Brennan. Somewhere in my collection I find under Volume 5, number 2, Trinity term 1962, "The Lawyer Incorporating the Oxford Lawyer," a remarkable article called "Privacy in the United States," written by Mr. Justice Brennan.

And when he talks about the right of privacy he talks about a very sound right of privacy. He says, "And so it is that the individual's cause of action against another person has in America been fashioned in the states. Since there are fifty states, the right and the remedy take quite different shapes in the several states. Historically, recognition in America of a right of privacy dates from 1890." And I will add parenthetically he didn't need any wiretapping statute to do it.

"A socially prominent Boston family was embarrassed by a Boston news-sheet which reported their social affairs in highly personal and embarrassing detail. The family was that of Samuel D. Warren, a classmate of Louis D. Brandeis at the Harvard Law School and Mr. Brandeis's law partner before he quit the practice to devote himself to a paper business." And I would add parenthetically this paper business is the S. D. Warren Company in the State of Maine.

"In his annoyance Mr. Warren turned to his former partner," Mr. Brandeis. "The result was a noted article, 'Right to Privacy,' written by the two men and published in the Harvard Law Review. It has come to be regarded as an outstanding example of the influence of legal periodicals on American law. The author's premise was expressed in these forceful words: "And I say this in due deference to the press because it does have some reference to the press and I am sure the press today is more responsible than it was in the last part of the Nineteenth Century, when we had the so-called lurid press and the yellow press.

"The press is overstepping in every direction the obvious bounds of propriety and of decency. Gossip is no longer the resource of the idle and of the vicious, but has become a trade, which is pursued with industry as well as effrontery. To satisfy a prurient taste the details of' — I will leave out the next word, 'certain relations are spread broadcast in the columns of the daily papers. To occupy the indolent, column upon column is filled with idle gossip, which can only be procured by intrusion upon the domestic circle. The intensity and complexity of life, attendant upon advancing civilization, have rendered necessary some retreat from the world, and man, under the refining influence of culture, has become more sensitive to publicity, so that solitude and privacy have become more essential to the individual; but modern enterprise and invention have, through invasions upon his privacy, subjected him to mental pain and distress, far greater than could be inflicted by mere bodily injury.' "

Now, ladies and gentlemen of the House, there is substantially more to the article. I hope I have made my point. I hope you will not adopt this House amendment and will be considering the others as they come up, and for the time being — I hope I haven't bored you and I will sit down and let my good friend from Portland, Mr. Brennan discourse further on the matter if he chooses.



The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Members of the House: In view of the fact that the gentleman from Houlton, Mr. Berman is a lawyer, I should not think he would have any difficulty in understanding and going through Amendment "B" which boils down to quite an elementary proposition. All of those little quotes that he was remarking about or approving does nothing but authorize only a judge to produce a court order which will allow eaves tapping or bugging devices to be used by authorized law enforcement officers.

Secondly, the amendment eliminates a section which would allow for emergency interception without a court order, which was objected to by a number of people and it does not damage the bill to remove this particular section.

I therefore hope that when we vote that you will vote against indefinite postponement of this motion on Mr. Brennan's part.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I personally am against the entire bill. As I understand it only the amendment is before the House. So when the amendment is adopted or when the bill comes before the House I will oppose it at that time.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Houlton, Mr. Berman that House Amendment "B" be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement of House Amendment "B" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 33 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "B" was adopted.

Mrs. Payson of Falmouth then offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-513) was read by the Clerk.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Let me make it crystal clear on the adoption of these amendments. My good friend from Portland, Mr. Brennan, has pointed out that it might be better if we go along to the point of procedure and let these amendments come before the House and then we will discuss the bill in its entirety as amended. I think that is very good procedure and I just rise now so it won't be necessary if another amendment is offered. Our feelings on the bill are not particularly alleviated by these amendments, but in the interest of orderly procedure I am not going to move indefinite postponement. I will allow these amendments to go under the hammer and then we will have a full discussion on the merits of the bill. Thank you.

Thereupon, House Amendment "C" was adopted.

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

Mr. BRENNAN: Mr. Speaker, a parliamentary inquiry. Is a motion to indefinitely postpone now in order?

The SPEAKER: A motion to indefinitely postpone the bill as amended is in order.

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I move that this bill and all its accompanying papers be indefinitely postponed and would speak to my motion.

The SPEAKER: The gentleman from Portland, Mr. Brennan, moves that item 3, L. D. 1092, Bill "An Act to Provide for the Interception of Wire and Oral Communications" as amended, be indefinitely postponed.

The gentleman may proceed.

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: Need is the first condition precedent to the passage of legislation. There has been a great deal of talk about Mafia and organized crime in this state. But in the last two sessions, while I have

been here, I have been here three sessions, but in the last two sessions there has been a lot of noise made by the Attorney General's office in regard to organized crime. In my judgment, and I believe in the judgment of most members of that Committee, the Attorney General has utterly failed to substantiate these charges to any meaningful degree. The need has not been shown for this wild piece of legislation.

I do not think that the Attorney General should be able to listen in on anyone's telephone conversations. Frankly, I think he would find out just the fact that many people are awful bores probably.

I think wiretapping or snooping, or whatever you call it, is repugnant to the basic freedoms of the people of the State of Maine. Wiretapping by government officials was characterized as "dirty business" by Oliver Wendell Holmes, Jr., one of our greatest United States Supreme Court Justices.

I believe that this is probably the most dangerous piece of legislation to be presented to this session of the Maine Legislature. I think if it passed it would be a tremendous inroad into our basic privacy rights. I ask that the vote be taken by roll call when it is taken.

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

Mr. RICHARDSON: Mr. Speaker, an inquiry. Is House Amendment "A" under filing H-461 on the bill?

The SPEAKER: The Chair would advise the gentleman in the negative.

Mr. RICHARDSON: Mr. Speaker, I ask if House Amendment "A" under filing No. H-461 were offered at this time, would it take precedence over the motion to indefinitely postpone now pending?

The SPEAKER: The answer is in the affirmative.

Thereupon, Mrs. Payson of Fal-mouth offered House Amendment "A" and moved its adoption.

The SPEAKER: The Chair would advise the gentlewoman that the amendment is not in her name.

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

Mr. RICHARDSON: Oh happy day! I offer House Amendment "A" under filing H-461 and move its adoption and would speak to the motion.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, offers House Amendment "A" and moves its adoption.

House Amendment "A" (H-461) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: The amendments before you now put this bill in what I believe is acceptable form. When the bill was sought by the Attorney General, I indicated to him that I was troubled by certain provisions of the bill which I thought were perhaps unnecessary and unwise and this flurry of amendments has been the result, and I apologize to you for any confusion which may have existed.

Now although it is late in the session, I don't think it is a very good idea to suggest that simply because something is complicated, we as legislators can't afford the time to sit down and think about it and take the time to understand it.

I don't have a judicial quote to entertain you with, but I am sure that there have been many opinions written in courts all over the world which have pointed out that frequently counsel in a case, on one side or another, totally missed the point; and I suggest to you that the gentleman from Houlton, Mr. Berman, is coming awfully close to missing the point of this bill.

At the present time, and please follow me, there is no regulation or restriction at all on the use of these wiretapping and bugging devices under Maine law. The way to guarantee privacy, which I think is perhaps the most important and fundamental right that we as Americans enjoy, the right not to listen and the right not to be listened to, these rights are protected by this bill and this bill provides that only—only when a

court finds that there is an absolute necessity, may this sort of thing be legally done.

If you think I am kidding, look on page three of the bill which says under subsection 6, A person who has in his possession any of these bugging devices shall be punished by imprisonment in the State prison for not more than two years or by a fine of not more than \$5,000, or both. Duty to report an employee of any communication common carrier, telephone company and the like, who has knowledge and fails to report that he has knowledge of the existence of illegal wiretapping devices and information gained from those, for not reporting, he shall be punished by imprisonment in the State Prison for not more than 2 years or by a fine of not more than \$5,000 or both.

What this bill does is serve very clear notice on everybody involved, including those people in the private sector, that bugging the interception of private communications that were intended to be private is illegal and will be punished by very very severe penalties if the law is violated. And that is what we need. The way to protect the right to privacy isn't to ignore the threat that exists under the present state of our law, and the Congress of the United States very wisely recognized this situation when it adopted the federal law.

The only time—the only time that you can have the use of these devices is on the application of a law enforcement authority to the court. And they must make a very strong showing. They must show a full and complete statement of the facts and the circumstances relied upon to justify the interception of communications. They must show whether or not they have tried any other way to find this information out and they have to show why it is necessary that they have this court order.

This is the way to protect the right to privacy. To argue that the bill in itself is an infringement I just think misses the point. I hope that you will adopt House Amendment "A" and forget the confusion about whose name was on it, and which was my confusion and

not the gentlewoman from Fal-mouth's, and pass this bill to be engrossed in this amended form.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I would suggest to the House that this confusion is very apt to the confusion that is going on in the bill. I do realize that throughout this long and arduous session certain sectors of this House are not particularly favorably disposed toward certain other sectors of the House. I don't think that these matters should be determined on personalities and I would suggest, and why I am standing now, is that I am not at all confused about the bill. I am not at all missing a point about this bill, but I am saying to this House, don't buy this bill because they are trying to put in something a little palatable called the statutory right of privacy and then put in something which I consider very unpalatable, legalized wiretapping.

We can protect the public. We can give you the right of privacy, but we don't have to make you buy wiretapping by giving you the right of privacy. So I would say to certain sectors of this House, I am not missing a point on this bill, at least I don't think so, I have certainly spent a great deal of time on this matter and we'll go ahead and let this amendment go under the gavel so we can get down to the real nitty gritty of the bill but I am just rising on my feet now to explain to the House that I am not confused about the bill, I am not missing the point. I for one am not going to buy the unpalatable wiretapping thing because they are trying to sell it with a palatable statutory right of privacy.

I hope that this answers any question that might have occurred in the minds of the members of this House.

Thereupon, House Amendment "A" was adopted.

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

Mr. BRENNAN: Mr. Speaker, I again move the indefinite postponement of this bill and all of

its accompanying papers and I would like to speak briefly on it.

The SPEAKER: The gentleman may proceed.

Mr. BRENNAN: Mr. Speaker and Members of the House: It is my understanding, I may be wrong, that the federal law now may well prohibit private wiretapping and I furthermore think this is a dangerous bill or authority to give to the Attorney General's office which is obviously a very political office if anyone read the paper in the last couple of days. I think in this bill we are probably asking for a freight car to carry a peanut with regard to the amount of organized crime in this state.

So I renew my motion and I ask that it be taken by roll call vote.

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

Mr. BERMAN: Mr. Speaker, Members of the House: Before the good lady from Falmouth came into the hearing on this bill I believe I did inquire as to how she personally felt and when she assured me that she felt that this bill should go ahead and become adopted if possible, I could see that the lines would be drawn and so here we are today in serious non-concurrence with the unmentionable body.

Now I understand that wiretapping by some government officials is going on illegally elsewhere. But I tell you in all sincerity that legalized wiretapping is one thing we don't need in Maine. If well-meaning people in Maine would recruit, train and keep on training highly qualified officers with skill, judgment and common sense and not go in for gimmicks, in a predominantly agricultural state of less than one million people, we are less likely to have the fascist concept of a police state fasten its barnacles on Maine. Politically motivated people have the terrible power to wiretap and this can destroy the freedom of thoughtful expression. Confidential information on government officials could be built up even though no information would be brought forward and some resume might have to be sent to them. I don't

think bankers would want this type of wiretapping. I don't think ministers would want their phones tapped. I don't think teachers would want their phones tapped. I don't think legislators would want their phones tapped.

Now I am for law enforcement and I am for very sound law enforcement based on common sense, and I deplore this attempt to force wiretapping on civilized men and women in Maine in the hopes of maybe catching some crooks.

Now let me tell you what I read only a few days ago. A Washington judge was visited by a relative who asked, "may I speak freely?" The judge asked him to step into the garden. There the guest told the judge that his house was under electronic surveillance and he would prove it. They went in and the judge mentioned for the first time to anyone what first came into his head, namely, that he was planning to go to the Orient. Shortly thereafter the judge was called and asked why he was flying to the Orient although he had no intention of flying anywhere.

Members of the House, I don't think we want to open the box, Pandora's box, to bugging judges, legislators, public officials, under the guise that there is a great criminal conspiracy hovering over Maine. I am for sound law enforcement and not gimmicks which can destroy the fabric of American life. It is the right of the good people of this state to be safe in their offices, their living rooms, their kitchens and their cottages. I therefore hope that you will go along with the motion of the gentleman from Portland to indefinitely postpone the bill and I certainly hope that we will have this by the yeas and nays.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: I think it is obvious to everyone here that those who are involved in illegal business use few written messages and certainly no records of their business and that everything that they do is

done by word of mouth, and I think this bill would put into the hands of authorized, responsible officials the means to fight this fire with a fire of their own. There are stringent restrictions that limit the use of this, but I think it is something that should be put into the responsible hands which would go on for years and could then follow through on the National program that President Nixon says he is going to launch for an all out war on crime, and this would be a tool that would come in very useful in the next few years.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Corson.

Mr. CORSON: Mr. Speaker and Ladies and Gentlemen of the House: I did not really intend to speak on this bill but I think there is a very important point that has been overlooked in our debate here. I think most of us in Maine, particularly in the House of Representatives, are somewhat up tight about the growing problem with drugs especially in our high schools, and I can assure you that my contact with youth has not been severed even though I have joined the establishment to such an extent that I am unaware of what is happening now.

And I would be very surprised if you could point out to me one high school in this state that does not have a problem of drug use among its students, and I am not referring just to marijuana which I personally don't get too up tight about, I am talking about amphetamines, which are popularly called "speed" and it includes benzidine, dexedrine, methidrine and LSD which is popularly called "acid," and this stuff is in the high schools and I will tell you how it gets there. It comes out of Boston, the Cambridge area; it comes out of New York; it comes out of a couple of colleges around Vermont and it is brought up by people who are friendly dope dealers who like to make a little profit on the deal because it sells for about \$2.50, \$3 an acid tab in Boston. They sell it up here

for \$5 or \$6 and make a tidy little profit.

Now this has to be done by a little deal, you don't just start walking up there and pushing it on the streets. You have to have someone up here who is going to buy it and these people aren't stupid. They are not going to put it down in writing. So most of the deals are made over the phone which is perfectly logical and makes a lot of sense if you don't want to get caught. It is very embarrassing to get caught.

So it seems to me that really the only way this problem is going to be controlled unless you want to increase your police force about 5 or 600% and have half of them disguised as hippies or what have you, that you have got to have some way of finding out when these deals are going to take place. And it seems to me the only way is to tap a phone. You have a pretty good idea of who some of these people are but it is getting the goods that is pretty hard. It seems to me this is a pretty useful tool and I would certainly hope that this bill would pass.

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

Mr. HEWES: Mr. Speaker and Members of the House: I support the bill. It seems to me that the Attorney General's office should be able to combat the modern, scientific, technological improvements that the criminal element is using and I feel this will assist him in helping to keep Maine a clean state. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Portland, Mr. Brennan that this Bill "An Act to Provide for the Interception of Wire and Oral Communications" as amended, House Paper 769, L. D. 1002, be indefinitely postponed. He further moves that when the vote is taken that it be taken by the yeas and nays.

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 Portland, Mr. Brennan that L. D. 1002 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, Berman, Bernier, Binnette, Bourgoin, Brennan, Buckley, Carey, Carrier, Carter, Cottrell, Couture, Croteau, Curran, D'Alfonso, Drigotas, Dudley, Dyar, Faucher, Fecteau, Finemore, Fraser, Gauthier, Giroux, Jalbert, Jameson, Jutras, Keyte, Kilroy, Laberge, Lebel, LePage, Levesque, Martin, Mc K i n n o n, McNally, Mitchell, Moreshead, M o r g a n, Nadeau, Ouellette, Ricker, Rocheleau, Sheltra, Starbird, Tanguay, Temple, Vincent, Waxman, Wheeler, Williams.

NAY — Allen, Baker, Barnes, Birt, Bragdon, Brown, Bunker, Burnham, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Crosby, Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Durgin, Erickson, Evans, Farnham, Fortier, A. J.; Foster, Good, Hall, Hanson, Hardy, Harri-man, Haskell, Hawkins, Henley, Heselton, Hewes, Hichens, Huber, Hunter, Immonen, Kelleher, Kelley, K. F.; Lawry, Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, McTeague, Meisner, Millett, Mills, Mosher, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, Wight, Wood.

ABSENT — Benson, Boudreau, Coffey, Cox, Crommett, Danton, Emery, Eustis, Fortier, M.; Gilbert, Johnston, Kelley, R. P.;

Leibowitz, Marquis, Norris, Noyes, Santoro, Watson, White.

Yes, 51; No, 80; Absent, 19.

The SPEAKER: Fifty-one having voted in the affirmative and eighty in the negative, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A", "B" and "C" in non-concurrence and sent up for concurrence.

Resolve Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years (S. P. 491) (L. D. 1585)

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

#### Amended Bill

Bill "An Act relating to Payments to the Law Libraries in the Several Counties of the State" (S. P. 486) (L. D. 1570)

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

Mr. Moreshead of Augusta offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-515) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Wight.

Mr. WIGHT: Mr. Speaker and Members of the House: This is an amendment to our law libraries on Kennebec County. The approved amount was given them in their budget. The exception is that "thereafter" which has been added to most of these law libraries gives the Legislature a chance to review the expenditures in future years.

I might say at this time this is purely of course a lawyer's bill, and I hate to discuss it because it is a minor matter, but nevertheless, the expenses that it has cost the counties is nearly \$80,000, and this is for law libraries. The money is simply turned over to your treasurer of your law libraries and the money expended as they see fit.

This will eliminate, if added to the other counties, the necessity of their coming or setting by statute the amounts to be allotted each year for the law libraries. This is a small matter, and I only warn you that if this figure gets high enough in the future they will not need to come to the Legislature or to the towns to budget this, as we have in the future. This raises the future years from \$3,250, which has been at one time their allotted amount, to \$5,500 which is what they are asking for now, and I move indefinite postponement of this amendment.

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

Mr. MORESHEAD: Mr. Speaker and Ladies and Gentlemen of the House: I hesitate to rise after this bill has been labeled an attorney's bill. Usually that is the kiss of death for any legislation, but I feel that my amendment is important and I do wish you would vote against the motion for indefinite postponement.

The county commissioners met with the Kennebec delegation concerning the budget, and in regard to the law library it was agreed that we would need \$5,500 to run the law library. This library is used much more than most county law libraries in view of the fact we have two supreme court judges resident in Kennebec County, plus a superior court judge. So the law library is used very frequently, and the Supreme Court of the State of Maine sits in Kennebec County three or four times a year and uses the law library for their purposes.

The Law Library Committee and the county commissioners have agreed to the \$5,500 figure and if we leave the law as it is right now, every two years we are going to have to come running back and put a bill in before the Legislature and take the time of the Legislature to up this to \$5,500. I see no reason why the \$5,500 figure cannot remain permanent and save us the trouble, expense and time of having to have legislation put in each year bringing it up to that level by leaving the bill the way

it is now. So I therefore hope you will vote against the motion for indefinite postponement so that my amendment may be accepted by this House.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: As a member of the Committee on Towns and Counties, I think it is very worthwhile for these law library bills to come in at each session and I think we can afford to waste the two or three afternoons to review them.

This is a little group who have money expended to them each biennium, \$3,000 or \$5,000 per county. A blank check is given to the law libraries, or the Law Library Association. At the present time there is no audit; there are no regulations. We had one county at this session who had an overdraft and I am afraid if we allow these amendments to be put on which would give them a definite amount of money in the future, that we can run into these problems again. There is no regard in a lot of cases on the amount of money spent. A \$5,000 allocation to this particular group can mean \$7,000 in expenditures.

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

Mr. LUND: Mr. Speaker and Members of the House: I do think it should be pointed that we are not talking about providing a service for a little group, but providing for a service which is utilized by the courts, both the superior court and the supreme court. It is not at all unusual to have a legal point come up in the course of a trial and it is pretty important to have means available close by to resolve the point because you have a jury that is waiting and the trial waiting to go ahead and I just can't see the logic of requiring a repetition each biennium of a request for the modest amount of money we are talking about here. So I hope you will vote against the motion for indefinite postponement.

The SPEAKER: The pending question is on the motion of the

gentleman from Presque Isle, Mr. Wight, that House Amendment "A" be indefinitely postponed. The Chair will order a vote. 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.

A vote of the House was taken. 68 having voted in the affirmative and 34 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendments "A" and "B" and sent to the Senate.

#### **Finally Passed Constitutional Amendment**

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School Building Authority (S. P. 97) (L. D. 307)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 114 voted in favor of same and 10 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted Bond Issue**

An Act to Authorize Bond Issue in the Amount of \$1,900,000 for the Development, Expansion and Improvement of State Park and Forestry Facilities and for the Completion of the State's Marine Research Laboratory (H. P. 309) (L. D. 396)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 102 voted in favor of same and 24 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Bond Issue**

An Act to Authorize Bond Issue in the Amount of \$2,515,000 for the Construction and Improvement of

Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded, and the Youthful and Adult Offender at Our Mental Health and Corrections Institutions (H. P. 311) (L. D. 398)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 111 voted in favor of same and 10 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Bond Issue**

An Act to Authorize Bond Issue in the Amount of \$770,000 for the Construction and Improvement of Vocational Education Facilities at Northern, Southern, Eastern and Central Maine Vocational - Technical Institutes, and for the Construction and Improvement of Education Facilities at Maine Maritime Academy and the Unorganized Territory Schools and Indian Schools (H. P. 317) (L. D. 404)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 107 voted in favor of same and 16 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 Municipal Park and Conservation Commissions (H. P. 749) (L. D. 967)

Was 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**

#### **Indefinitely Postponed**

An Act Creating a School Administrative District for the City of Portland (H. P. 805) (L. D. 1044)

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



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

Mr. CHICK: Mr. Speaker, I move that this matter be indefinitely postponed and I would speak briefly to the motion.

The SPEAKER: The gentleman from Monmouth, Mr. Chick, moves that item 6, L. D. 1044, be indefinitely postponed.

The gentleman may proceed.

Mr. CHICK: Mr. Speaker and Members of the House: I would like to point out that since this bill was considered the last time, we have come out with a school subsidy budget for the second year of the biennium and in this bill it provides \$500,000 additional to the City of Portland over and above what they are receiving this year.

Now we had a bill previously from Sanford in which we set up an SAD. I signed the "Ought to pass" Report and was in favor of the bill because it did not ask for exceptions. They planned to form the SAD under our present law. However, in the case of Portland, they have asked to form a district outside of the regular requirements of the SAD statute. And I do not think that the citizens of Maine should pay another \$150,000 on top of the \$500,000 that they will be getting for the second year of the biennium if they are not willing to form an SAD the same as the other 74 that are formed in the state at the present time.

I would also point out that if this bill is passed you are committing the next Legislature to a cost of \$300,000, as it would be for a two year period. That is assuming the subsidy law stays the same as at present.

Now I think there is another factor which the next Legislature may be faced with. I know that there has been a few comments from legislators to this effect to me at least, and that is if you permit Portland to form an SAD outside of the regular requirements that have been followed by the other 74, the next Legislature may be faced with many requests by some of these SAD's already formed wanting to have exceptions under the law, and if you allow Portland to form an SAD outside of the regu-

lar statute, it seems to me that in good conscience the next Legislature would have to give serious consideration to allow waivers in some cases to some of the present SAD's.

I know the Department of Education ran into this this last winter when the many towns were having a problem on the budgets. They wanted to curtail some of the expenses within their own SAD's and found that they could not do so and still be permitted to receive the ten percent bonus which is provided in our statute. And yet here we are allowing Portland to form an SAD and acquire the bonus without living up to the present requirements.

For those reasons, I hope that the members will see fit today to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: I have been somewhat reluctant to speak in opposition to this bill during its course through this body previously. However, I am in complete disagreement with the concept of the bill and I feel I must speak against it at this final stage of enactment.

I think without doubt the three basic reasons that the City of Portland would like very much to be considered as a school administrative district in name only are that they are desirous of increasing their bond limit, which this would provide for and which was covered in previous debate by the gentleman from Portland, Mr. Cottrell.

The second reason is the fiscal autonomy idea which has been put forth and which may not be all bad, but it does seem to me to be a little bit irresponsible on our part to allow for a situation in our largest city whereby there would be no citizen ratification whatsoever of an annual operational budget presently in excess of \$7 million per year, no citizen ratification whatsoever of bond issues for construction purposes, with an increased debt limit now of up to \$66 million.

The third reason, and the one which I think has been grossly mis-

understood as I see it, is their desire to come in under and become eligible for the ten percent bonus. Now I think there has been some misunderstanding. I attempted on an earlier debate to explain my understanding of it and I obviously didn't get my point across. But my understanding of the bonus is that whenever two-member municipalities assume each others assets and liabilities and initially accept the added responsibility and requirement of providing kindergarten services and mandatory secondary transportation, the ten percent bonus was designed as a recognition factor—act exclusively as an incentive factor, which many people seem to feel, but as a recognition of the additional services which would be required by their joining together under the SAD framework.

Now as has been explained—and I feel most of you are aware of this now, there will be no additional services whatsoever—none whatsoever—assumed by the City of Portland in the operation of their school system.

For this reason and for the very reason that I think as Mr. Chick has pointed out it would set a very dangerous precedent and would tend to weaken the framework of our entire school administrative district structure, I support his motion and I hope you will all assume the position of responsibility that we are in. We have a responsibility to think through every appropriation we authorize. This is an appropriation—I am thinking particularly now in the area of the built-in three to four hundred thousand dollars per biennium for the SAD bonus, that we I don't feel at this point have completely taken into consideration what we are getting for it. I support the motion to indefinitely postpone.

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

Mr. WAXMAN: Mr. Speaker and Ladies and Gentlemen of the House: It has been reputed that the 15th President of the United States, James Buchanan, at Lincoln's Inaugural, turned to then President Lincoln and said, "If you are as happy entering this

office as I am leaving it, then you, sir, are the happiest man in the land." I suspect that the members of the House are as tired of hearing debate on this particular bill as I am debating it myself and they too are a little fed up with the continued time being taken of this valuable body. However, I do feel compelled to answer the charges of Mr. Millett and Mr. Chick and present once more the case for Portland's School Administrative District.

I think first of all it should be clearly established that what goes on in the City of Portland affects the well-being and the economy of the entire State of Maine. If the educational system in the City of Portland is not sound, then that affects the entire communities surrounding the City of Portland. It affects the entire southern Maine area, which in effect can cause harm to central Maine and which in effect can cause harm to northern Maine. So although this is for the City of Portland, it is, I believe, a bill that should be of interest and important to every member of this House.

It has been brought up by Mr. Chick that we are going to receive a \$500,000 increase in our subsidy. I might point out first of all it is only a \$400,000 increase. Secondly, for many many years the City of Portland has received the absolute bare minimum in percentage of subsidy payment from the state ranging around 17%, and they have done this, ladies and gentlemen, in spite of the fact that Portland has many vital services of a non-school nature which must be provided for. I think you can see that we are providing these by examining the type of tax effort we are making in the City of Portland.

Mr. Chick talked about the present subsidy program before you. I would point out that it has a tax effort amendment in it. It does not however have any funds to recognize the tax effort that a community is making.

Now all of you I am sure are aware of how high our property taxes are and there is no relief for that property tax unless it

comes from the state. The question before you is: "Is Portland making a dynamic effort to support its educational facilities?" I would submit that it is. Our tax effort in the City of Portland is, on a state equalized basis, 50% higher than the state average. In other words, if you went around and used the same basis of judgment for evaluating the property in the City of Portland and the entire State of Maine, you would find that the state average was 24 mills. In the City of Portland it is 35 mills. I think this justifies some relief from the state.

As far as committing the next Legislature to action, I certainly don't know what we are going to do as far as the new subsidy bill in 1971 and 1972. I don't know what we are going to do as far as bloc grants are concerned. And I submit it is somewhat premature to assume that we are going to be committing the future Legislatures to any course of action in light of the increased need that has been shown for state support of education. Parochial school closings, our increased desire to come up to at least the national average in state support of education, 40%, I think all this indicates that we might have some very new and courageous plans for state support of education. We certainly may not even have the present subsidy formula in two years. So I don't think we are committed to any course of action in the future.

Mr. Millett talked about citizen ratification above a \$7 million budget. That issue was decided by a Legislature back in 1923 when it approved the City Charter of the City of Portland at that time. At the present time there is no citizen ratification of either the operating budget of all departments within the City of Portland or bond issues issued by the City of Portland. Elected officials do that.

This is what this bill proposes to do: to fix political responsibility. To say to a man we want you to run our schools, we want you to run them sensibly, we want you to take care of the educational

needs of our youngsters, but we also want you to keep an eye on our pocketbooks. If you don't do the job we are going to defeat you at the polls and put people in your place who will do the job, and if you don't do the job and we are so dissatisfied, we will recall you from your office.

I would point out that within thirteen months we can reconstitute the entire majority of the school directorship board in the City of Portland. I think this fixes political responsibility. It makes people responsive directly to the citizens of the City of Portland who are paying their salaries and upon whom they must assess taxes.

You have on your desk a sheet that I had just distributed, which is a communication from the Commissioner of Education to the Joint Committee on Education reporting the action of the State Board of Education. The State Board thoroughly reviewed the situation in the City of Portland; it thoroughly reviewed the situation within the City of Sanford. And in each case it made exception and granted what they thought was a reasonable request for a single member school district.

Now I submit, ladies and gentlemen, that this is justification for us in this House similarly granting that request.

I won't belabor the point. I think you have heard all the arguments. I would just make one final comment—this is to do with the \$150,000 bonus that we will receive this year. We in the City of Portland have three federal programs that we are presently embarking on. I think they are important programs because they seek to make our educational system work more effectively. The first is to do experimental curriculum to help slow learners and potential school dropouts. This program is going to receive a \$76,000 cutback in federal funds.

Another program has to do with emotional disability in youngsters, to help them get more out of school. It takes youngsters who have been released either from Stevens or from Windham and helps them to make the transition

back in the public schools more comfortably and more meaningfully. And this too is going to be cut. And the third program distributes audio-visual aids to ten communities surrounding the City of Portland, and this too suffers a federal cutback. The total of these federal cutbacks is \$187,000, that exceeds the bonus of \$150,000.

Mr. Millett wanted to know what we would be doing in the City of Portland to justify such a bonus. I submit that these programs, which are imaginative, which attempt to get to the root of problems in education, and which can be of benefit if followed throughout the State of Maine to the entire State of Maine, certainly would be improving the educational system with the City of Portland, and this bonus doesn't make up the federal cutbacks we are going to receive.

Mr. Speaker, when the vote is taken, I request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: As has been mentioned the State Board of Education has approved Portland's request for a single unit District. Now this measure has a referendum attached to it and I would hope that you would let this go to the people of Portland and let them decide what they want to do.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: I rise to support the motion of Mr. Chick from Monmouth for the indefinite postponement. I am not against the City of Portland or any single city entering into a School Administrative District. I do oppose the part where any Board of Directors or School Board can approve a budget. I feel if we allow this bill to go through today that this is opening the door for the Department of Education so that later on this can be spread out to all the SAD's as they exist now in our state or to any future ones.

Now there are good school boards in the state; there are no doubt some bad ones. There are good members and again, no doubt, some bad ones. You have conservative members on all boards, this is regardless whether it is a municipal board or a school board or anything on the State level.

Now Mr. Waxman said in thirteen months this board could be changed. If this were extended to all boards in the state, and it is my personal belief this is what the Education Department is after, in thirteen months a School Board could commit their District or the towns composed in their District to a very large debt. Once you are committed to this debt you do not get out of it. Now I say to the people right in this House today that if this bill goes through and you are a member of an SAD right now that this is opening a door to a lot of trouble in your area because there is no doubt every member here in the House that is in a School District in a school system they know the good members on their board and they know the bad members.

Now I am not anti-education, neither am I pro-education. I do like to see the taxpayer control the budget. I do like to see the taxpayer get the fullest amount for the dollar that they spend, but I would never begrudge any money to education if it is going to help it any. But this bill I do not see is helping education. I see it only as opening the door to cause a lot of confusion in later years in the State of Maine and it may not be too many later years, it may be in the very near future once this door is opened.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would agree with the remarks of Mrs. Boudreau from Portland. She stated this is a referendum matter. I suggest to the House that the 72,000 people in Portland ought to be able to decide this matter.

The other day in debate the distinguished Majority Leader Mr. Richardson supported this con-

cept. I agree with him. Portland people should be able to decide Portland matters with particular reference to increased bonding and fiscal autonomy. I urge the House to be consistent with its previous votes and to vote against the motion to indefinitely postpone.

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

Mr. CHICK: Mr. Speaker and Members of the House: Just one brief remark. You recently had put on your desk a memorandum here from Mr. Waxman and I would like to point out to the members of the House that the State Board evidently had now said that they would okay an administrative district for the City of Portland, so there is no longer any need for this bill. Because the City of Portland if they want to form an SAD can apply through the regular channels and receive approval and form an SAD in the same way and manner as the other seventy-four SAD's have been formed in the state. So I hope that you will support the motion to indefinitely postponed.

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

Mr. WAXMAN: Mr. Speaker and Members of the House: No single member school administrative district can be formed by law without the approval of the Legislature. The State Board examined this and recommended that the Legislature do so. But by law no single member district can be formed without legislative approval. The power is in your hands.

I would submit that the power to change the SAD law in any way, as Mr. Dam is referring to in the future, is in your hands, and if you don't want that changed in other communities where this would not be practical then I suggest that you have the power to prevent that change. I would also respectfully suggest that it is a little bit difficult in the City of Portland, with 70,000 people, to have a town meeting. This is why we entrust the power to our elected officials, as we do now, and this is why we would do so under this bill.

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

Mr. TEMPLE: Mr. Speaker and Ladies and Gentlemen of the House: The taxpayers of the State of Maine in all the SAD Districts have had the chance to voice their opinion in regards to SAD Districts and I would hope this House would go along with the people of the City of Portland and give them the same opportunity.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Monmouth, Mr. Chick that An Act Creating a School Administrative District for the City of Portland, House Paper 805, L. D. 1044, be indefinitely postponed.

The gentleman from Portland, Mr. Waxman moves that when the vote is taken it be taken by the yeas and nays. 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 Monmouth, Mr. Chick that L. D. 1044 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 — Allen, Baker, Barnes, Benson, Binnette, Birt, Bragdon, Brown, Buckley, Carter, Chandler, Chick, Clark, H. G.; Cottrell, Crosby, Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Dudley, Durgin, Erickson, Evans, Finemore, Fortier, A. J.; Foster, Good, Hall, Hanson, Hardy, Hariman, Haskell, Hawkens, Henley, Heselton, Hewes, Immonen, Kelley, K. F.; Keyte, Lawry, Lee, Lewin, Lewis, Lincoln, Lund, Marstaller, McNally, Meisner, Millett, Page, Porter, Pratt, Quimby,

Rand, Richardson, G. A.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Waxman, Wight, Wood.

**NAY** — Bedard, Bernier, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Casey, Clark, C. H.; Coffey, Corson, Cote, Couture, Croteau, Curran, D'Alfonso, Drigotas, Emery, Farnham, Faucher, Fecteau, Fraser, Gauthier, Gilbert, Giroux, Hichens, Hunter, Jalbert, Jameson, Jutras, Kelleher, Kelley, R. P.; Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, MacPhail, Martin, McKinnon, McTeague, Mitchell, Morgan, Nadeau, Ouellette, Richardson, H. L.; Ricker, Rocheleau, Sheltra, Starbird, Tanguay, Temple, Tyndale, Vincent, Watson, Wheeler.

**ABSENT** — Berman, Bunker, Cox, Crommett, Danton, Dyar, Eustis, Fortier, M.; Huber, Johnston, Marquis, Mills, Moreshead, Mosher, Norris, Noyes, Payson, Sahagian, Santoro, White, Williams.

Yes, 71; No, 58; Absent, 21.

The **SPEAKER**: Seventy - one having voted in the affirmative and fifty-eight in the negative, the motion to indefinitely postpone in non-concurrence does prevail.

Sent up for concurrence.

An Act relating to Posting Bonds by Defendants under the Uniform Paternity Act (H. P. 817) (L. D. 1056)

An Act Providing for Androscoggin County Funds for Child and Family Mental Health Services (H. P. 1084) (L. D. 1405)

An Act Increasing Compensation of Councilmen and Mayor of City of Augusta (H. P. 1205) (L. D. 1532)

An Act relating to the Taxation of Farm Machinery (H. P. 1216) (L. D. 1548)

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 relating to Services of Premises not Licensed under the

Liquor Laws (H. P. 1223) (L. D. 1555)

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

(On motion of Mr. Stillings of Berwick, 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.

On motion of Mr. Richardson of Cumberland,

Recessed until two 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 tabled and today assigned matter:

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 10, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

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

Mr. **RICHARDSON**: Mr. Speaker and Members of the House: Rather than allow this matter to go under the hammer, I think that it is appropriate at this point to indicate at least some of the basic outlines of this legislation, and I

would like to take a moment to do so.

Opposition to the abolition of the Governor's Council has been a traditional party position with the Republican Party here in Maine, and as one of those who have consistently voted against its abolition I would like to tell you why I have changed my mind and the considerations that led to it.

As you know, during last session of the Legislature we formed a so-called Governmental Operation Subcommittee of Legislative Research and the examination of this Committee of various state spending programs indicated very clearly to me, and I think to other members, including the members of the Republican leadership, that we are not fulfilling one of our basic functions. We convene, review programs, establish priorities, raise taxes, and then go home. And the question I think can be best posed — who watches the store? And the answer is — not the Legislature.

It seems to me that we have in effect abdicated our responsibility to the people of Maine to insure that the programs we enact are sound programs, that they are subject to continuing review and assessment, and that in doing so we separate the wheat from the chaff and that we discontinue programs which no longer meet any genuine need or meet that need inefficiently, ineffectively and expensively. It is because I believe that the Legislature has a responsibility to supervise its own programs and to keep its own house in order, that I believe that we must return to the Legislature the duties and responsibilities that we have previously surrendered to the Council.

There are three major functions of the Executive Council. To confirm gubernatorial appointments, to supervise interdepartmental fund transfers, and to participate with the Chief Executive in the granting of Executive clemency in the pardon and parole function.

With respect to the confirmation of gubernatorial appointments we propose that a legislative council be established, to be made up of

the elected leaders of both parties brought by at-large representatives elected by the majority and minority parties, not appointed by the presiding officers; and that this body would confirm gubernatorial appointments. We propose that the number of gubernatorial appointments be substantially reduced because a lot of these, such as the appointments of justices of the peace and that sort of thing, should not really require legislative approval.

This is a unique proposal, unique because it insures representation on the confirming authority of members of the House, and I see no reason why we should rely on the Senate and follow the course of other states and have confirmation rest with the Senate. This also insures minority representation on the confirming authority. And I know that you have been distressed as I have been to find a Governor of one party strangled by an Executive Council of the other; and it doesn't make any difference whether you are talking about the Executive Council under the administration of John H. Reed or that of Kenneth M. Curtis.

Now I am well aware of the fact that the statements that I make today may be considered political heresy, but I suggest to you that we must in good conscience take over the supervision of interdepartmental fund transfers, because so many times when we go home programs that we never approved, never envisioned, are enacted without our passing on them, without our having an opportunity to control them; and I know that every one of you can think of instances where this has happened.

One of the strongest supporters of the Executive Council over the years has been former Governor Horace A. Hildreth. He has consistently supported the Executive Council. And prior to this session I had an exchange of correspondence with him and his objection was, as mine has always been, that to simply abolish the Executive Council is awfully poor government, that you have got to provide a meaningful and workable alternative — and we think we

have provided this; and I am delighted to report to you that Governor Horace Hildreth, who attacked the provision in the Republican platform at the last convention, now agrees that the proposal that we bring before you has merit.

And I would like to read some portions of his letter to me of June 2, omitting some personal matters, and I quote: "My big opposition to the usual proposal to abolish the Governor's Council has been belief that no thoughtful person familiar with the facts would ever want to give any Governor of any political faith an unlimited power of appointment. That would be the easiest way I know of for an unscrupulous Governor of any political faith to build up a ruthless political machine in the State of Maine such as exists in some other states, and we have been fortunate enough in Maine to avoid."

Continuing Governor Hildreth says, "Usually the provisions for abolishing the Governor's Council have never provided any substitute for the powers exercised by the Governor's Council, and where there does not exist a Governor's or Executive Council this power of confirmation of a p p o i n t m e n t resides in the upper legislative group, usually called the Senate. I always made the point that if that was actually going to be the proposal, although it was seldom spelled out, that I as a Governor would much rather argue with the Council with seven members over my appointments than to argue with two thirds of the Senate. This preference was because I thought that two thirds of the Senate, if they tried to put the heat on a Governor for someone they wanted and the Governor would not comply, then the group of two thirds of the Senate could pretty easily take it out on the legislative program the Governor was trying to have developed on the Floor of the House and the Floor of the Senate."

Continuing Governor Hildreth says, "Now as I understand your proposal, it is to have a group of legislative officers supplant the

Governor's Council, but with representation by the minority party. I think representation by the minority party on a group such as the Governor's Council or the group that you propose is a big advance over the present system and goes a long way to overcome any other weaknesses that might exist in whatever proposal you finally advance. Not being thoroughly familiar with exactly what you are proposing I am not sure that it is perfect, but I do emphatically believe that any Governor who asks for unlimited power of appointment should never have it, no matter what his political faith, and I do believe that the minority party should always be represented on the confirming body so that the minority as well as the majority party in the State of Maine or any other state would know what was going on and the arguments that were being advanced pro and con."

We have a great opportunity, I believe, to avoid the sort of thing that has happened in other states, to provide minority representation from elected members — not appointed, elected members, by party caucuses on the confirming body, and to insure a minority view may be stated, and to insure most of all that we provide effective control over state spending and all that entails.

Mr. Speaker, I move that the bill be passed to be engrossed.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I arise as a signer of the Minority "Ought not to pass" Report. I had rather hoped today that we would enter into no debate or no talk relative to this bill. I realize that the hour is late, the time is growing short, and I have no desire to enter at this moment into any debate on the merits or the demerits of this bill. I think perhaps when this item comes in here for final enactment it will be plenty of time to engage in perhaps a spirited debate on the issue and I would go along with the gentleman from Cumberland, Mr. Richardson at this time in passing this bill to be engrossed.



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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I too think that the merits of this document should be fully debated, although I sincerely believe that today, as I have indicated to the gentleman from Manchester, Mr. Rideout this morning, that I had thought that it might be best that it either be retabled for another day or as indicated by the gentleman from Kittery, Mr. Dennett, that we let it go to the enactment stage and then debate the full merits of the document as it is presently before us, fully realizing that there are some serious complications in this area of Executive Council versus legislative council and I think the members of both parties certainly want to look at this document completely.

So therefore today I will not object to the bill being engrossed and sent to the other body, and wait until it comes back for enactment for final debate and action by members of this branch.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think if any area is going to be straightened out wherein it concerns this measure it would be costly and time consuming to do it at the enactment stage. I have a great many questions that I would want to ask and I do not want to take up the valuable time of the House to ask the questions. I would like to take them up with those who drew up, the architects if I may, of the measure before I would decide what I would like to do, as unimportant as what I would like to do may seem.

In any event in all good conscience I want to go no further than this on this bill until such time as I have had my questions answered, and I know there are others who want to ask questions that should be asked on their own time and not on the taxpayers time, because I think at this stage of the game that is important. And for that purpose I certainly hope

that this measure will be tabled until tomorrow.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I only today made up my mind to express myself upon this move. I have given it a great deal of thought during the session and I perhaps am only serving notice that at least there is one other member of the old guard who is still with you. I cannot go along with this on final enactment; perhaps it would be better for me to have waited until that time to express my thinking. I feel that until the time arrives, when we are ready to buy the annual session, that we are better off to continue with our present setup. Certainly the gentleman from Lewiston, Mr. Jalbert has mentioned the item of expense. There is no question in my mind that the formation of such a group as we have heard discussed — I don't know that it is finalized, would cost anywhere from double to three or four times what the present cost of the Executive Council is; and I would seriously question whether or not they would be any more effective body than the present Council.

Certainly if you come up with a group of fifteen or seventeen or twenty members of this Legislature to sit down and consult with the Governor you would certainly have much more difficulty in arriving at decisions than you do with a group of seven such as we now have. I feel that this is poorly timed at this time and when the time comes to vote for its final enactment I shall be recorded among those of the old guard who still cling for the present form of our confirming body, namely the Executive Council.

Whereupon, on motion of Mr. Jalbert of Lewiston, tabled pending the motion of Mr. Richardson of Cumberland that the Resolve be passed to be engrossed and specially assigned for tomorrow.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to the Statute of Limitations for the Malpractice

of Physicians" (S. P. 85) (L. D. 279) the Speaker appointed the following Conferees on the part of the House:

Messrs. MORESHEAD of Augusta  
BERMAN of Houlton  
DANTON of Old Orchard  
Beach

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

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 10, by Mr. Cote of Lewiston.

Pending — Acceptance.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: As I have stated before, this bill is a — I wouldn't say companion bill, but it has much to do with item 11 on page seven which will be coming up later in today's session. But in order to save time I don't wish to table this bill for another day, so I will now move that we substitute the bill for the report in order to keep it alive.

The SPEAKER: The gentleman from Lewiston, Mr. Cote moves that the House substitute the Bill for the "Ought not to pass" Report.

Whereupon, on motion of Mr. Ross of Bath, tabled pending the motion of Mr. Cote of Lewiston to substitute the Bill for the Report and assigned for later in today's session.

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

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 10, by Mr. Martin of Eagle Lake.

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

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, in opposition of the motion to indefinitely postpone I will make a few remarks. We debated the merits of this entire proposal last week and there is no sense in repeating them. The original bill stated that all employees should be covered by Workmen's Compensation and the reasoning was if it is good for one segment of our economy it should be good for all. Why should we discriminate against the workman who might become injured in the course of his employment just because he works for a small firm?

Now the Committee on Labor amended it to say that the small employer could have the option. He could either have Workmen's Compensation or he could purchase Employer's Liability insurance. This was satisfactory to me. I felt it was fair to our working force and equitable to the citizens of Maine. And so I oppose the motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Four bills were presented to this Legislature all designed to harass the small businessman employing three or less. The first one was L.D. 4 which would have required him to comply with the Employment Security Law. This bill has been killed. The second one, re-draft 1567, or L. D. 27, requiring him to comply with the Workmen's Compensation Act, is before you now. The third one, L. D. 282, requiring him to comply with the Minimum Wage Law, was withdrawn by the sponsor and put into L. D. 1106 which was later changed to L. D. 1487 and then withdrawn by the Committee. This bill is now dead. The fourth one, L. D. 523, requiring him to comply with the

Workmen's Compensation laws was withdrawn by the sponsor. This leaves one of the four open. Three have been defeated, ladies and gentlemen of the House. I hope that you will join me in voting against this bill, thus leaving the small businessman time to go about his business without further red tape and harassment.

I might further add Workmen's Compensation cost in the small woods operators under the Act is eight to ten cents per dollar of wages. I think that is quite a cost. I ask you, can these small operators carry on? At present they are paying registration fees on their trucks; they are paying the gasoline tax and the new gasoline tax if it is passed; they are paying all other State new and old taxes. These remarks cover all small businessmen in the State of Maine.

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

Mr. HASKELL: Mr. Speaker and Members of the House: The point raised by Mr. Finmore is basically the reason that the alternative methods of coverage are now in the bill. On the original proposal to extend Workmen's Compensation coverage to those employing less than three, on checking the rates I discovered that this would have a bad application particularly in the section of the country that I represent because the rates are extremely high for an employer employing one or two people in a woods operation. However, the problem does remain and some sort of protection should be afforded to these people and I think that a very sensible compromise has been worked out and is included in the report from the Labor Committee, in which those having less than three employees can now have the alternative of being covered by Employer's Liability insurance which is considerably less costly.

This compromise I think will take care of a problem which has been a recurring one in the state of trying to effect some desirable protection for the employees of the small employer. I think the interests of the small employer

have been taken into careful account by the Committee and I would recommend that we finally solve this problem and pass the bill as reported out of the Labor Committee.

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 the statement just made by my friend, Mr. Haskell from Houlton. I have three employees and these employees have been faithful to me for all these years and I feel it is up to me to pay for this Workmen's Compensation, and I go along with this bill.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: Since I am an insurance agent who sells Workmen's Compensation I probably should be in favor of this legislative document. However, before you enact this legislation I feel you should be aware of how it will work. Let's take for example a barber and beauty shop which isn't a very hazardous occupation. The minimum premium for this policy would be only \$37, which isn't much I must agree, but the payroll probably we will assume for one employee might be \$5,000. This means that the employer would pay according to the present rates \$125 a year and since companies are not prone to write small risks of this nature where they get short losses you would have to put it through the Assigned Risk Bureau which would result in an additional charge to the employer.

Now let's go to the other extreme, a more hazardous occupation, such as logging and lumbering where the minimum premium is \$275 a year. And let's take the same payroll if he employs one person, \$5,000. The rate for logging and lumbering is \$88.60 a thousand, so the premium would be \$443 annually, and since the companies will not write logging and lumbering as a class because that is too hazardous this would have to be assigned and of course this would result in the

premium being over \$500 for these employers.

Now if this is what you wish to do it is okay with me. As far as the Employer's Liability is concerned I think you will find that the companies would resist writing this coverage for one employee.

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

Mr. HASKELL: Mr. Speaker and Members of the House: We made a careful investigation of the rates involved. The points made by Mr. Scott are true. The rates become very high in certain types of work. However, it was our finding that the rates are not excessive for Employer's Liability nor did we discover that there was any reluctance on the part of the insurance companies to write this type of insurance.

I think, pointing out another area of the problem, the Commissioner of Labor has indicated that during the course of any year they have a number of cases of people coming to their department who have been injured while employed by people employing less than three employees. And under the present situation they have absolutely no recourse in the event that their employer has not been prudent enough to have liability coverage. I think that you would find undoubtedly 80 to 90 per cent of the small employers in the state currently do carry employer's liability. The thing that we are trying to accomplish through this legislation now is to see that the remaining small percentage of small employers in the state who carry no coverage of any kind now will have to provide this protection for their employees.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I have people that have been working for me for seventeen and twenty years and I think the little extra rate that I would have to pay to these people, they deserve it and they have earned it. And I hope that you people here in this House will go along with it.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: I rise to support the gentleman, Mr. Pratt, in the indefinite postponement of this bill. I realize the problem of the person who hires one or two people and I think if we pass this bill we will be putting a number of people out of work because the rates that will be put on these small employers and the conditions under which they will have to operate will mean a lot of them will just quit and not hire people and therefore we will be hurting people in labor.

Just last night a constituent of mine came to me with a letter about his insurance and wanted to know if I could check up on this. I would like to read portions of this letter. Now this man has been in business a long time in a small woods business, is hiring more than three people and therefore having Workmen's Compensation. Recently he was told by his agent that he would have to go on an Assigned Risk Plan as they were putting all people in his category on an Assigned Risk. This immediately more than doubled his premium. Then he got this letter which I would like to read to you and this may show what will happen to many other people, and this is from an insurance agency.

"Your Workmen's Compensation policy handled through our office will expire on July 26. This insurance of course is handled under the Maine Assigned Risk Plan. The company has now advised us that your renewal premium for the coming year will amount to \$1,696." And incidentally this is based upon an \$18,000 payroll. "Under the terms of the Assigned Risk Plan, it is necessary for us to send the insurance company our check for the full amount of the premium so that they will receive it at least 15 days before the present insurance expires. This means of course that we should receive your remittance in full on or before July 1, 1969, so that we may process the renewal and have the policy issued by the insurance company . . . Please

note that if the present policy is to be continued, we must actually receive your remittance on or before July 1, 1969. Otherwise, it would be necessary for you to apply again for insurance under the Maine Assigned Risk Plan."

Now here is a person that has been in business, that has an A-1 credit rating, yet he is expected to pay 30 days in advance for this coverage and I think that before I would want to vote for this bill or any other bill that I would want to feel that these small employers would get a fair shake from the insurance company that would be issuing the policy. Now the alternative proposal may have some advantages but I haven't been convinced that this is going to be easily obtained for these small employers. I am against the bill.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, we have talked a lot about the problems of the small businessman and certainly his problems deserve our sympathetic attention. Like many members of this House I am a small businessman. I must admit to my shame, perhaps like many other small businessmen I have not voluntarily elected to carry Workmen's Compensation coverage on my one employee, which I should have done voluntarily and not waited for the law to require me to do it.

Our Committee report was 9 to 1 in favor of this compromise plan. The reason for the compromise, and the compromise was giving the option to elect either Workmen's Compensation or Employer's Liability, the Employer's Liability being much cheaper insurance, has been well stated by Mr. Haskell. We were aware that in certain industries the premiums would be very substantial and also that in other occupations, for example the secretary or barber or something they would be much less. But remember this, aside from their administrative cost, and I am not aware of any great criticism of the insurance companies in regard to their administrative cost in the Workmen's Compensation field, the

reason that they collect the premium and the reason that the premium is higher in some fields than others is because people get hurt. And people will get hurt in working.

Caution and safety devices and safety inspections, which fortunately the insurance companies encourage, can reduce the number of people injured and they have, but still they get hurt. Fathers of families are killed just as much if they work for employers that had three or less as if they worked for employers that had 300 or more.

And it seems to me to be a rather cruel and harsh thing for us in this House to say, and this is what we are saying if we vote to indefinitely postpone this bill, "Mrs. Smith, we are sorry your husband has been killed. We are sorry that you are going to have to go on relief to support your two, three, four or five children. But after all life is rough and we did not see fit in the House to pass legislation that would have required some protection for your husband. Mrs. Smith, if your husband had only went to work for a larger employer, if he had been foresighted enough only to be killed or injured when he worked for a large employer, then there would have been some coverage. However, he chose wrong. He went to work for a small employer and thus your family are going to have to be paupers."

The insurance premiums between Employer's Liability and Workmen's Compensation do differ very materially. The Employer's Liability policy carries with it an additional feature which is a very good one, and that additional feature is a \$1,000 medical payment plan similar to the medical payment plan you may have in your automobile policy so that regardless of who is at fault for the accident, if the employer has elected the more economical Employer's Liability coverage, at the very least the employee will get his medical bills up to a thousand dollars.

And where we got the idea for this compromise was in what had been done in a prior legislature

in regard to the situation of coverage for agricultural employees. We thought it was a reasonable compromise bill. We think it is something — by the way I would like to mention one of the members of the Committee who was not terribly enthusiastic about the report. This fine gentleman although he saw fit not to sign the Majority Report is like me a small employer and he has the decency, humanity and the foresight for his employee to have voluntarily elected to purchase coverage. If all our small employers were as humane and as well informed as this gentleman, we would have no problem, but we have got roughly 40,000 employees in this state who are not now covered by Workmen's Compensation. Miss Martin has told us that many of these employees that have been injured and killed and come to her, and there are probably many more we don't know about. The basic point though is that a man is hurt just as much whether he works for an employer with two employees or whether he works for one with 200. We need this legislation and we need it now.

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

Mr. BENSON: Mr. Speaker and Members of the House: The gentleman from Brunswick, Mr. McTeague has told us about the lady whose husband got hurt and I sympathize with the case of course, but let's look at the other side of the coin. Let's examine the small businessman, the man who is supposed to be the backbone of our country. Let's look at what we have to say to him, "We are very sorry, Mr. Small Businessman, but we have decided to add one more burden to the cost of operating your business. We are sorry we had to put you out of business but we felt that it was in the best interest of the working man, so I guess there just isn't much we can do about it."

I think that we have heaped upon the shoulders of the small businessman just about all he can stand and it has gotten to the point now where they are almost compelled

to hire someone to do their bookkeeping for them because we have made the keeping of books as complicated with reports to the federal government and to the state government; and without going into a great long tirade I just think that we have abused the small businessman with mandatory reports and with mandatory expenses to the point that he just is not going to be able to survive.

I would oppose this legislation and I hope the House sees fit to go along with me.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: If there are those here who are interested in the needs or desires of agricultural workers, I hope they are not laboring under the impression that agriculture is exempted under this bill. Granted, if I understand it correctly, we would have an option if we employed less than three of buying liability insurance or Workmen's Comp. However, if we exceed the three in agricultural employees I believe that we come under the provisions of the Act where it is mandatory that we provide Workmen's Comp.

I am one who knows something about the expense of providing Workmen's Comp., having done it and presently I get along with the liability insurance. But if I am wrong in this statement I hope that some member of the Committee will correct me, but I have looked at the bill and I contend that agricultural workers above the three fall in no different category than any other worker.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, in regard to the question posed by Mr. Bragdon, we have spent a good time on the bill and my opinion of the bill, what it says and what it requires regarding agricultural employees is this. First of all the exclusion from any mandatory coverage, whether it be Workmen's Compensation or Employer's Liability coverage, in the case of seasonal and casual agricultural

workers is continued, they are still exempt under this bill.

Secondly, under the present law an agricultural employer in regard to his regular employees, that is employees who are not seasonal or casual, is now required to provide the Employer's Liability protection with the \$1,000 medical payment coverage. The change insofar as it relates to agricultural employees in regard to this bill is the same as in regard to other employers. That is even though they continue the exclusion for seasonal and casual they are required if they are under three to have either, if they have under three regular employees, to have either Employer's Liability or Workmen's Compensation. If they have over three employees they are required to have either Workmen's Compensation or Employer's Liability. So there is no change in the agricultural area at all under this bill for employers with three or more. The only change is for agricultural employers who have regular employees less than three. They would be put in the same situation as the agricultural employers who now have more than three.

Mr. Speaker, in regard to the discussion by Mr. Benson, I feel very sincerely that it is unfair for any small businessman or any businessman large or small to be subsidized and to have as part of the cost of the operation of his business the health, the limbs and the life of his employees. I am very sympathetic to the small businessman, both being one myself and having been raised in a family of small businessmen. But no man large or small has the right to run his business at the expense of the health and possibly the life of his employees.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be a small employer who does purchase the Workmen's Compensation and we have heard words here this afternoon that indicated that the woods operation was a hazardous opera-

tion, but I wanted to point out to you that the farm operation has also been termed a hazardous operation and it is, and all of a sudden most of us who have Workmen's Compensation find that we can no longer go out on the market and buy our insurance. We have to come under the Assigned Risk Program and take the insurance at the price that we are subjected to.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: I think that this afternoon I predict a passage of this bill for Unemployment Compensation for these people who work for small companies because I think that we should hang our heads in shame so far as to what we have done in denying that with the chiropractors bill that we have killed. We claim that we have no discrimination and yet we have denied these people the choice of a doctor or a chiropractor to be covered under Workmen's Compensation. It's make up for it this afternoon and vote the right way.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I only want to add a few comments to the debate this afternoon on the effect of this on the small businessman. I think probably the same argument that you are hearing today has been heard many times over and when the number of employees was reduced from 14 to 7, from 7 to 3, the same argument was used basically that you were going to drive the small businessman out of business. I think the small businessman now has formally agreed in many areas that instead of driving him out of business it was providing to him a vehicle of protection that should anything happen that he would not be sued out of a house, home, farm and everything else.

So I think the House today in its action should certainly give the benefit of the doubt of the small businessman who might be leery.

But by the same token the same small businessman who just a few years ago were raising the same question that they were going to be raised right out of business. I don't think this is necessarily valid. This is a protection for the small businessman or for any businessman for himself as well as coverage for his employees, and I think most of them will embrace it wholeheartedly although in some areas quite resentfully. So I hope that the members of the House will vote against the motion to indefinitely postpone this document.

Mr. Gauthier of Sanford was granted permission to speak a third time.

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to concur with Mr. McTeague what he has said. I don't care if you employ two, three or more. These people have the same amount of families, children and so forth and they need the same protection. They have been protecting us for years by being faithful workers for us; we owe it to them and I hope that you will concur.

The SPEAKER: Is the House ready for the question?

Thereupon, Mr. Jameson of Bangor requested the yeas and nays.

The SPEAKER: The pending question is on the motion of the gentleman from Parsonsfield, Mr. Pratt that both Reports and Bill be indefinitely postponed. The gentleman from Bangor, Mr. Jameson 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 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 Parsonsfield, Mr. Pratt, that Bill, An Act relating

to Applicability of Workmen's Compensation Law to Employers of One or More Employees, House Paper 24, L. D. 27, 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 — Allen, Barnes, Benson, Bragdon, Carey, Carrier, Carter, Chick, Clark, H. G.; Crosby, Curtis, Dennett, Donaghy, Dudley, Durgin, Dyar, Evans, Faucher, Finemore, Good, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Heselton, Hichens, Immonen, Kelley, K. F.; Kelley, R. P.; Lewin, Lewis, Lincoln, MacPhail, Marstaller, McKinnon, McNally, Meisner, Millett, Moreshead, Mosher, Ouellette, Page, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Trask, Tyndale, White, Wight, Williams.

NAY — Bedard, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Brown, Buckley, Burnham, Casey, Chandler, Clark, C. H.; Coffey, Corson, Cote, Crommett, Croteau, Cummings, Curran, Dam, Drigotas, Farnham, Fecteau, Fortier, A. J.; Foster, Fraser, Gauthier, Gilbert, Giroux, Haskell, Hewes, Huber, Hunter, Jalbert, Jameson, Johnston, Jutras, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lund, Martin, McTeague, Mills, Mitchell, Morgan, Nadeau, Richardson, G. A.; Rideout, Rocheleau, Ross, Sheltra, Starbird, Susi, Temple, Thompson, Vincent, Watson, Waxman, Wheeler, Wood.

ABSENT — Baker, Bunker, Cottrell, Couture, Cox, Cushing, D'Alfonso, Danton, Emery, Erickson, Eustis, Fortier, M.; Marquis, Norris, Noyes, Payson, Ricker, Santoro, Soulas, Tanguay.

Yes, 60; No, 70; Absent, 20.

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

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read twice and assigned for third reading tomorrow.



The Chair laid before the House the fourth 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 10, by Mr. Crosby. of Kennebunk.

Pending — Motion of Mr. Bragdon of Perham to indefinitely postpone House Amendment "B" (H-508)

Mr. Kelley of Machias withdrew House Amendment "B".

Whereupon, the same gentleman offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-517) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Wight.

Mr. WIGHT: Mr. Speaker and Ladies and Gentlemen of the house: This is an amendment to Aroostook County and Piscataquis County. Aroostook County's budget I feel was in order and I ask for indefinite postponement of this amendment.

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

Mr. KELLEY: Mr. Speaker and Members of the House: In making up these figures for Aroostook County, we took them from L. D. 1563 which was the proposed salary raises for the Towns and Counties Committee, and since the Chairman and the House Chairman of the Towns and Counties Committee are from Aroostook County, I assumed that these salary raises had their blessing. In effect, actually there are only three salary raises in the Aroostook budget.

It seems to me that if we continue in this manner, then eventually our counties are going to perhaps suffer from malnutrition, because to a greater or less degree all of us depend on our county governments who have served us well over the past century and a half, and although occasionally someone comes forward as an enemy of county government no one has yet proposed a better system. However, if this Aroostook section

of this amendment, if the gentlemen who suggested these salary raises have now changed their minds, I have no objection to its being tabled. Otherwise, Mr. Speaker, I would urge its adoption.

Thereupon, on motion of Mrs. White of Guilford, tabled pending the motion of Mr. Wight of Presque Isle that House Amendment "C" be indefinitely postponed.

The Chair laid before the House the fifth 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 10, by Mr. Jalbert of Lewiston.

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

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, I request this item be tabled for one legislative day.

Thereupon, Mr. Birt of East Millinocket requested a vote on the tabling motion.

The SPEAKER: For what purpose does the gentleman rise?

Mr. DONAGHY: Mr. Speaker, is this item debatable? I would like a point of information, please.

The SPEAKER: The gentleman may pose his point of information.

Mr. DONAGHY: Mr. Speaker, has there been an amendment placed on this for this information center at Houlton —

The SPEAKER: The Chair would advise the gentleman that a tabling motion is pending which is not debatable and a vote has been requested on the tabling motion. If you are in favor of tabling you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

53 having voted in the affirmative and 58 having voted in the negative, the tabling motion did not prevail.

Thereupon, Mr. Jalbert of Lewiston requested a roll call on the tabling motion.

The SPEAKER: The yeas and nays have been requested by the gentleman from Lewiston, Mr. Jalbert.

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

Mr. BERMAN: Mr. Speaker, a parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. BERMAN: If the vote on the division has already been stated, is it possible to have a roll call?

The SPEAKER: The Chair would advise the gentleman it is the constitutional right of any member to request a roll call.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I in fact do not wish to debate, but if this is what is called parliamentary I would still like the information through the Chair if anyone wishes to answer, whether or not this information booth at Houlton is in this bill at this time.

The SPEAKER: The Chair would advise the gentleman that this bill has been amended by Committee Amendment "A" only. There are pending amendments. The Chair understands the matter before the House now is, shall there be a roll call? 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 on the tabling motion 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, shall this matter be tabled until tomorrow? If you are in favor you will vote yes; if you

are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Binnette, Bourgoïn, Brennan, Burnham, Carey, Carrier, Carter, Casey, Coffey, Crommett, Crosby, Croteau, Curtis, Dam, Dennett, Drigotas, Durgin, Dyar, Evans, Farnham, Faucher, Fecteau, Foster, Gauthier, Giroux, Good, Hanson, Hawkens, Henley, Hewes, Jalbert, Jameson, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Laberge, Lebel, LePage, Levesque, Lewis, MacPhail, Marstaller, McKinnon, McNally, McTeague, Meisner, Mills, Mitchell, Morgan, Ouellette, Page, Rand, Rocheleau, Sheltra, Snow, Temple, Wheeler, Wight, Williams.

NAY — Allen, Barnes, Bedard, Benson, Berman, Bernier, Birt, Bragdon, Brown, Buckley, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cottrell, Cummings, Curran, Dudley, Finemore, Fortier, A. J.; Fraser, Gilbert, Hall, Hardy, Harriman, Haskell, Heselton, Hichens, Huber, Hunter, Immonen, Jutras, Lawry, Lee, Lewin, Lincoln, Lund, Martin, Millett, Moreshead, Mosher, Nadeau, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Starbird, Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Waxman, White, Wood.

ABSENT — Baker, Boudreau, Bunker, Cote, Couture, Cox, Cushing, D'Alfonso, Danton, Donaghy, Emery, Erickson, Eustis, Fortier, M.; Kilroy, Leibowitz, Marquis, Norris, Noyes, Ricker, Santoro, Soulas, Tanguay, Watson.

Yes, 61; No, 65; Absent 24.

The SPEAKER: Sixty-one having voted in the affirmative and sixty-five in the negative, the motion does not prevail.

The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoïn.

Mr. BOURGOIN: Mr. Speaker, may I have this bill tabled until later in today's session?

The SPEAKER: The Chair would advise the gentleman the tabling motion has already been lost and the motion is not in order.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I would like to offer House Amendment "A" to Committee Amendment "A" under filing No. H-503 and move its adoption and would speak to that motion.

The SPEAKER: The Chair would advise the gentleman that this amendment was adopted on June 6.

Thereupon, on motion of Mr. Berman, under suspension of the rules, the House reconsidered its action whereby on June 6 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-503) was read by the Clerk.

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

Mr. BENSON: Mr. Speaker, I haven't found the amendment yet, but I think I know what it says. We don't really need information centers at every entrance to the state. I know that it might be nice to have them. We have the major entrance to our state at Kittery, and I think it is reasonable and proper that we have an adequate information center there.

We have a number of towns throughout the state that have information centers that are supported by local chambers of commerce and they do an excellent job. But as far as expending \$95,000 for an information center at Houlton and increasing the amount of money for the Kittery information center, I just don't feel that we are in a position to afford this type of luxury. If Houlton wishes to have such an information center, I certainly agree that it would be nice, but I also agree that it might be well for them to get together with the towns and the surrounding communities as they see fit or on their own and build such an information center. This will give adequate information to those people coming into the State of Maine, let them know where they

are, where they are going, and I think it would be a good shot in the arm for the economy of that community. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This happens to be my measure and even though I am a member of the Appropriations Committee, I assure you that when it finally hit the floor of this House I didn't recognize it. I gave voice to my feelings and my thinking when we appeared once before the Committee and the gentleman from Manchester, Mr. Rideout says he sits down before he got angry, I left before I got angry. In any event, this bill strikes out \$630,000 for badly needed repairs at the Lewiston-Auburn Airport and I assure you I am willing possibly to accept that in some form or possibly amend later on because there is a lot of revisions of this thing that should be made anyway before I am willing to finally pass it. But I assure you of one thing, I am positive of and that is I am not ready to give a station at Houlton for \$94,000 at the expense of our airport in Auburn and Lewiston, particularly when I am not extended too many courtesies from somewhere around that area.

So it is with extreme pleasure that I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the indefinite postponement of House Amendment "A".

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I wanted to apologize for the confusion that I have caused over this from the start because I was so anxious for the House to know that Houlton entries are roughly one third of those at Calais, and I don't think that the state should be going at this time into building information centers for either Houlton or Calais, and I will go along with Mr. Jalbert and Mr. Benson.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: The reason this is offered as an amendment, Mr. Berman who has been working on this project has had a problem during the winter in trying to determine with the State Highway Department the eventual location of this tourist facility.

Now I would like to point out to the House there has been some very fast moving events in the last two or three years, namely, the Interstate 95 has been completed through to Houlton, and I am well aware of the feelings of Mr. Donaghy in regard to this because of the thing that has taken place. The flow of traffic through to the Maritime Provinces and through the port at Houlton has increased very substantially and is bound to increase as more and more people from Nova Scotia and people going through to Nova Scotia from the states go through the port at Houlton.

The thing that prompted this planning on the part of those in the Houlton area was first of all, a fact that a very substantial tourist facility is contemplated and has been funded, according to our understanding, in Canada to service United States tourists going through at Houlton into Canada. A new road is being constructed from the trans-Canada at Woodstock to the border at Houlton, so that increasingly this is going to be the road through to the Atlantic Provinces.

Now the state expends a great deal of money in developing the tourist business, and I would like to point out to you a very peculiar fact. On the Interstate from Kittery to Houlton, there is only one opportunity to gain tourist information. Now it seems to me that if we are interested in tourists spending time in the State of Maine, an attempt should be made to divert tourists from their rapid passage through the State of Maine on the Interstate to tourist attractions that we have in the state.

The proposed location of this facility is at the only point that

U.S. 1 crosses the Interstate. We have then the flow of traffic along U.S. 1 and we also have all of the traffic going on the Interstate into the Atlantic Provinces. It also is a fact that no consideration up to this point has been made by any of the agencies in the state concerned with the tourist industry with the fact that a large number of tourists do enter Maine from the Maritime Provinces and also from a trip in the Provinces around the Gaspe, they do enter Maine at Houlton.

The Town of Houlton maintains a tourist information bureau which is located in the town and serves the tourists who are in the town. Our purpose in this facility is not to benefit particularly the Town of Houlton, it is rather to attempt to divert tourist traffic at Houlton north into the Aroostook County area or south into the area of Calais rather than seeing that traffic whiz by and out of the State of Maine without any stop being made en route to gain the benefit of tourist dollars.

At the present time a tourist entering the State of Maine at Houlton, the first opportunity on the Interstate to gain tourist information would be in Kittery. There is nothing on the Interstate from Kittery to Houlton and it seems to me that if we are going to pursue a wise tourist policy that the money expended here would be recovered very quickly in tourist dollars.

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

Mr. BERMAN: Mr. Speaker and Members of the House: My able colleague from Houlton, Mr. Haskell, has explained very well the necessity for this type of building. Frankly, I can't see why there should be any objection to it. Now some of us this winter have been very very busy in our committee work, we have been unable to attend the hearings of other committees and for that I am apologetic in more ways than one.

Now this price tag of \$95,000 was hammered out in conjunction with the Bureau of Public Improvements and with the DED. There is a note from the Commissioner's

office saying that everything appears to be in order. We have plans from the Bureau of Public Improvements which approved this type of project. Now mind you, we are talking about \$95,000 which will help the tourist industry for the entire State of Maine. This is not a local project. I think any of you who have served with me over the years have known me well enough to know that I have never asked for a nickel for any type of a local project, a project that wouldn't benefit the entire State of Maine and I am not asking for one today.

Now somewhere in my files I find under the Portland Sunday Telegram of October of 1967, which was prior to the completion or just about the time of the completion of the Interstate at Houlton, so this is the first Legislature that we have had an opportunity to present a proposition for diverting tourist dollars in the State of Maine.

We spent \$80,000 for a toilet facility on Interstate near Augusta. Now the high cost, the paper says, was due less to the four flush toilets, the two lavatories, than for sewerage disposal able to purify 10,000 gallons daily. Six such stations will be built between Augusta and Bangor. At the present time, here it is June 11, 1969 and to my knowledge there is no type of this facility north of Augusta. Now on that I may stand to be corrected.

But the point that I am trying to bring to this House is that without any qualms we spent \$80,000 here in the Augusta area for a toilet facility. Now, so be it. What I am asking the House to do today is to use some good business judgement and spend \$95,000 for a tourist information center at the other end of 95 in Houlton so that people entering the State of Maine at Houlton and getting onto the Interstate will know where they can go in Maine to spend their tourist dollars without travelling all the way down to Kittery and then passing into New Hampshire.

Now what I am proposing I think makes sound business sense and I hope that you will vote against the motion for indefinite postponement

and when the vote is taken, I request the yeas and nays.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I will leave you with only this one thought. We have been here since January 1st; the hopper has been open even long before then. I know that the gentleman from Houlton, Mr. Berman, is very busy practicing law in the Judiciary Committee, but by the same token there must have been one citizen from Houlton that would have found the time to either telephone or notify somebody around the Houlton area, including the other gentleman from Houlton, Mr. Haskell, so that a bill could have been prepared and introduced and heard, not come in by the very definite back door at this stage of the game.

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

Mr. BIRT: Mr. Speaker and Members of the House: Very briefly, I would like to discuss this original bond issue, L. D. 394, when this bond issue, like several other general construction bond issues, were presented to the Appropriations Committee, they were a great deal larger than they presently are. In the Governor's budget message there is a request for capital construction in this area of \$11,140,000. The Appropriations Committee went over this entire construction request, bond issue, and eliminated everything except what they felt were the absolutely necessary items. When the gentleman from Lewiston said that he could hardly recognize it, I can well understand his thinking because it was pared a great deal. This was reduced down to \$1,640,000, and as I discussed the other day on the Floor there was added to this \$300,000 for planning for future capital construction to give the future Legislatures and Appropriations Committee some definite guidelines as to increased costs, what the costs of these buildings might be as far as putting into operation some good, sound, sensible, long-range planning. I

would hope that the motion to indefinitely postpone does succeed because I believe that we have pared this down very extensively and we have left out many other items that people who are interested in them might feel were worthwhile; and if we were going to put anything in we should certainly start to go back and reconsider some of the items that have been pared out, and I completely support the indefinite postponement motion.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Members of the House: I have looked over this amendment and it fascinates me greatly. I think probably it is a good idea to have an information center in Houlton. However, I would like to amend that amendment. I am very much afraid that that information center is going to get anchored to the ground pretty securely unless we make it portable. So I would like to put in an amendment to the amendment making this a portable information center because someday I want to move it down to Vanceboro when Route 6 is finished.

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

Mr. LUND: Mr. Speaker and Members of the House: Most of the points which could be raised have been covered. The previous speakers have pointed out to the House members that this bond issue bill which originally called for \$11,140,000 was reduced to \$1,940,000. This was done by the Appropriations Committee not with the idea that the items that were cut off were unimportant or not needed, but we found that over a period of time in looking at capital requests, the Legislature has not had the benefit of careful planning of what was needed.

For instance, included within this bill was the proposal for the needed State Office Building here in Augusta, and I can assure you that we do need it because we are currently renting or owning other properties around the area here that house over 300 state

employees. But it was felt that all but emergency items ought to be deferred until we can have accurate cost estimates and preliminary plans for these various projects.

As has been pointed out, the amendment for this information center did not come to the Committee's attention during the entire course of this session up to this point despite the fact that the Committee's House chairman and one other member are from Aroostook County. There is an established procedure for bringing these matters to the attention of the Legislature. It is by a separate legislative document, by inclusion within the Governor's program, or even appearing before the committee to suggest an amendment to an existing bill. However worthy this may be, it seemed to the Committee that it is not of as high a priority as the pared down items that we had here and that remain in this bill.

Mention has been made that there is an information center for Kittery included here. That is correct, because due to the rerouting of the highway the information center we have long held will be located at a place where there won't be any more road. And even that item, I would call to your attention, originally had a price tag of \$390,000 and the Committee pared that to \$152,000. So I would hope that you would indefinitely postpone this amendment here.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I don't want to prolong this unduly. I do want to point out, however, that the whole delegation has suffered some chastisement here for the fact that this wasn't presented through regular channels. I can only say that the fact that we did try to develop careful cost estimates and do some careful planning before it was presented is in large part the reason for the delay. Mr. Berman has worked most of the winter with the agencies involved, attempting to develop plans that were acceptable to the various agencies and to develop cost estimates that are

reliable. And up to this point he has not been able to work out with the Highway Department a location that is acceptable to them.

However, we did feel that this was not a matter of overwhelming importance and if the funding was made available that certainly a desirable location could be worked out. But the fact that an effort was made to do careful planning and to present reliable figures is in part the reason for the delay.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I do not want to get involved to a great degree in the debate but I do want to point one thing out perhaps which was been misleading to us, and it is this. It is the chastisement of the Houlton delegation for not having brought this before the House or before the members of the Committee. I do want to point out to the members of the House and to the members of the Appropriations Committee, who may or may not have been there at the time, that when we were discussing the information center at Kittery I did point out that the gentleman from Houlton, Mr. Berman had approached me about including an information center to be located at the end of Route 95 in Houlton.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I hope you won't let something very worthwhile go down the drain this afternoon because some members of a particular committee might feel a bit put out. This Tourist Information Center really is not for Houlton; it is for the State of Maine. It just so happens that the eastern terminus of 95 and the eastern entrance to the major highway system in the State of Maine is in our area, and that is on Interstate 95.

Now to my way of thinking, and I try to use good financial sense, it doesn't make sense to me for the State of Maine not to be with a Tourist Information Center at the eastern entrance to Interstate 95

which connects directly with the Maine Turnpike. You enter the State of Maine at Houlton. There is absolutely no place along Interstate 95 where you can secure information where you can spend your tourist dollars in the State of Maine, absolutely no place along Interstate 95 from the time you enter the United States at Houlton and travel down here to Augusta. There is an opportunity when you get to the toll gates, in the height of the tourist season, to inquire at the toll gate of the man down here at West Gardiner, where you can go in the State of Maine.

Now I leave it to your good judgment whether the toll gate operators during the height of the tourist season are going to be in a good position to give tourist information to the people seeking it. So you continue on your way, you have entered the Maine turnpike at West Gardiner, you go all the way down to Kittery, you are outside the State of Maine and you are without tourist information.

So I will be willing to take on my shoulders any responsibility that members of the Appropriations Committee may want to give me for having worked all winter on this program, for having spoken to some members of the Appropriations Committee before whose memories may not be in the best of order, and I don't say that sarcastically because they have had a lot on their minds this winter just like some of the other committee members have. I think the House would be making a mistake this afternoon to put this matter down the drain. I certainly think it would be in the best interests of the State of Maine to have tourists entering the State of Maine for the first time get information somewhere near the eastern entrance to the State of Maine and not go all the way through the State of Maine and depart at Kittery without having had a chance to spend their tourist dollars here.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. The gentleman from Houlton, Mr. Berman

moves that when the vote is taken it be taken by the yeas and nays.

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 Lewiston, Mr. Jalbert 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 — Allen, Barnes, Bedard, Benson, Bernier, Binnette, Birt, Brennan, Brown, Buckley, Carey, Carter, Casey, Chandler, Chick, Coffey, Cote, Crosby, Cummings, Curran, Drigotas, Dudley, Durgin, Evans, Farnham, Fecteau, Finemore, Fortier, A. J.; Fraser, Gilbert, Hall, Hardy, Hawkins, Heselton, Hewes, Huber, Jalbert, Kelleher, Kelley, K. F.; Laberge, Lawry, Lee, Leibowitz, LePage, Lewin, Lewis, Lund, Marsteller, McKinnon, McNally, Meisner, Millett, Morgan, Nadeau, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G.A.; Richardson, H. L.; Rideout, Rocheleau, Sahagian, Scott, C. F.; Shaw, Sheltra, Snow, Starbird, Stillings, Susi, Temple, Thompson, Trask, Tynedale, Waxman, Wheeler.

NAY — Baker, Berman, Bourgoin, Burnham, Carrier, Clark, C. H.; Clark, H. G.; Corson, Cottrell, Crommett, Croteau, Curtis, Dam, Dennett, Faucher, Foster, Gauthier, Giroux, Good, Hanson, Harriman, Haskell, Henley, Immonen, Johnston, Kelley, R. P.; Keyte, Kilroy, Lebel, Levesque, Lincoln, MacPhail, Martin, McTeague, Mills, Mitchell, Moreshead, Mosher, Ross, Scott, G. W.; Vincent, Watson, White, Wight, Williams.

ABSENT — Boudreau, Bragdon, Bunker, Couture, Cox, Cushing, D'Alfonso, Danton, Donaghy, Dyar, Emery, Erickson, Eustis, Fortier, M.; Hichens, Hunter, Jameson, Jutras, Marquis, Norris, Noyes, Ricker, Santoro, Soulas, Tanguay, Wood.

Yes, 79; No, 45; Absent, 26.

The SPEAKER: Seventy-nine having voted in the affirmative and forty-five in the negative, the motion to indefinitely postpone does prevail.

Thereupon, Committee Amendment "A" was adopted and the Bill was passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the sixth 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 10, by Mr. Carter of Winslow.

Pending—Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and Ladies and Gentlemen of the House: The question of repeal by implication has been raised on this bill and until this question is fully resolved by the Attorney General's office I would hope that somebody would table this for one day.

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, retabled pending passage to be enacted and specially assigned for tomorrow.

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 10, by Mr. Millett of Dixmont.

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

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

Mr. RICHARDSON: Mr. Speaker, I would move that this



bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Stonington, Mr. Richardson moves that item 7, L. D. 1498, be indefinitely postponed.

The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: The only purpose I arise today is to encourage you to adopt this amendment and to keep this bill alive. It is very discouraging for me to stand here after yesterday's debate when the good gentleman from Stonington, Mr. Richardson made a statement that my bill would be interesting to a great many because it had a \$50 million additional sum attached to it. Now that is very discouraging to hear a remark of that nature especially from a gentleman who has taken the opposite side on my proposal. So I hope today that you will keep my bill alive until such time as people can concert themselves to these sums of money. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: There are several statements which are made on the cover sheet of the bloc grant which bother me a little bit. Number one is that there is a statement under the number one which says that "every municipality in the State of Maine would be provided with increased revenues," yet if you look in the body of the bill on page 17 there is one that gets none, on page 13 there is one that gets none, and so on. I just wonder if there are that many errors how many more there are in this.

I would also submit that this would discourage completely the formation of any more School Administrative Districts. So I would certainly hope that we would vote to indefinitely postpone this bill and then we can refer to a committee for further study. Thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I took enough interest in this particular bill so that I attended one meeting of the group who were fostering this idea. I was not particularly impressed at that time. However, there is one point that I want to bring out here. If I had thought that this was the best thing in the world or the best thing for the State of Maine that we could come up with, I certainly would not buy the idea with which we are approaching it.

When we get ready to dump the School Subsidy Program and accept this in its place then I think a Legislature that is ready to do that can consider the comparative merits of the two approaches, but certainly we have gone ahead with the idea of continuing the School Subsidy Program. What we are talking about with this approach is that we provide six or seven million dollars to start this particular bill on its way along side the School Subsidy Program, without any comparison which we can make as to its relative merits in our various communities. I simply wish to point this matter out and I don't think that this is the way to approach this change in our subsidy setup so-called.

When we are ready to accept this lump sum thing let's consider it relatively with the school subsidy program and in no other way. I buy the motion of the gentleman from Stonington, Mr. Richardson.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I feel that I must stand up in support of the municipal bloc grant proposal of the gentleman from Caribou, Mr. Snow. I have taken some time to analyze the new school subsidy proposal for Portland and find that the city I represent has once again received far from its fair share of the total appropriations for the school subsidies. In fact Portland with 7 per cent of the state's population will receive only 3.3 per cent of the total subsidy appropriation. The relative percentage of the

school subsidy appropriation received in 1968 and in 1970 is very slight. Portland received 2.7 per cent of the total appropriation in 1968 and will receive 3.3 per cent under the Education Committee proposal for 1969.

Ladies and gentlemen of the House, I support the bloc grant compromise because I feel this formula is fair and will in the long range terms provide a more equitable method of revenue sharing. Portland will receive very little more money under the compromise bloc grant proposal than under the Education Committee proposal; it is 1.6 million as compared to 1.5 million under the school subsidy proposal.

However, now is the time I think for the Legislature to act responsibly by providing more equitable treatment for our municipalities and citizens. Consequently I urge you to vote against the motion of the gentleman from Stonington, Mr. Richardson to indefinitely postpone and when the vote is taken I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: I have given considerable thought to the new State-Municipal Revenue Sharing Program contained in L. D. 1498 and I would like again to express my strong support for this proposal.

Many times it is very difficult for a member of this House to take a statewide view of revenue sharing with municipalities whether it is school subsidies or the proposal before us today. I think that there is one very practical and simple viewpoint which the Maine Legislature has overlooked too often. Think about it for a moment. Every Maine citizen in every city or town pays the taxes levied by the Legislature.

It seems only logical to me then that if the Legislature is to distribute \$45.8 million to the municipalities, then the amount received should be somewhat proportionate to the number of people in the community. If Maine has one million people and we are re-

turning \$45.8 million in revenue to municipalities, every municipality should, in my opinion, receive approximately \$45.8 per capita in aid. Personally, I would have no objections if some towns would receive as much as 20 per cent greater or less than the average per capita amount, depending upon their ability to finance municipal services from the property tax.

But wait a minute — when you look at the amount of money which a community such as Biddeford for instance receives under the school subsidy proposal, you find that it is only between \$10 and \$11 per capita and not anywhere near the \$45.80 per capita. Why don't you multiply \$45.80 times the population of your community and evaluate the subsidy proposal?

What I cannot understand is why the majority of the legislators in this House continue to let an unfair method of revenue sharing exist. If the voters in Portland realized that their legislators voted for a program which gave them only 3 per cent of the monies appropriated for school subsidies but that they are entitled to 7 per cent of the state population, they would be shocked. Lewiston, Biddeford, Old Orchard Beach, Waterville, Bangor and many other smaller communities are not getting a fair shake. This is why I am supporting the bloc grant. It gives all municipalities a fair break.

Ladies and gentlemen of the House, the revenue which is returned to municipalities will approach \$85 million for the next biennium. This is one of the largest pies this Legislature has to cut. I am disturbed, my co-representatives are disturbed, and most of all my constituents are disturbed at having our community get less than its fair share of the monies distributed by the Legislature. We have been strongly urged by our local municipal government not to vote for Part II of the budget that we are about to do unless a fair school subsidy program comes out of this discussion. I urge you not to indefinitely postpone this bill. Thank you.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of the gentleman from Stonington, Mr. Richardson. This bill received a very long and a very fair hearing before the Committee on State Government in what I might say were the dying days of the Legislature. As a matter of fact, that afternoon we had even planned to go into double sessions, but because of the length of this hearing, I think you will all recall the afternoon session was cancelled.

The hearing went on at quite some length, and I think we heard mostly from proponents of the bill. They took up the greatest amount of time at least, they came well prepared. But this bill came out of Committee with a unanimous "Ought not to pass" Report.

Now it came out of the Committee with this unanimous "Ought not to pass" Report, not because the bill did not have some merits, we readily agree to this; but to have the proposition, an entirely new concept, dumped upon a Legislature in its last few weeks, is quite a thing to contemplate. This is new, it is untried. It apparently would replace the school educational subsidies.

Now presently what the towns are receiving, they are receiving an educational subsidy. What you are attempting to replace it with is a bloc grant which has no real bearing on the educational subsidy. I say frankly that this is not the time to attempt to adopt this new concept. This thing should go to study and it should be studied long and it should be taken from every facet, from every angle, and I think that you would make a terrific mistake if you ever passed you will support the gentleman this thing to be enacted. I hope from Stonington, Mr. Richardson.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: I think there is one fact that has been overlooked. In trying to get the most possible, possibly the best, school subsidy formula, there was actually a rather "Robin Hood" feeling in the group. It was

an equalization formula that we were trying to provide and it is not a question of how many children, it is a question of providing an equal opportunity for education, so that of course there are towns with more children who will get less per pupil than those that can less afford to educate them. So that actually, the problem is not getting your proportionate share just according to numbers but it is more according to your ability to pay, and if you happen to have a family in a community that is extremely poor, we felt that it was unfortunate for those children to be penalized by that circumstance, and therefore, they would get a bigger proportion of whatever monies are available.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: I think we are missing one of the points in the whole discussion when we do not look at the two different concepts involved in the school subsidy versus the bloc grant. Mrs. Cummings did mention the idea that the school subsidy is an effort to try to equalize educational opportunity and the bloc grant proposal is a different sort of a concept, really it is the sharing of state revenue with municipalities; and I think the Committee felt, and I agree, that this needs to be studied. If we are going into a bloc grant proposal, whether it's a separate proposal from the school subsidy or whether it replaces the school subsidy, or how these two are related, because we are really talking about two different concepts and I think it does need a lot of study. I support the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker and Ladies and Gentlemen of the House: The feature which is very appealing to me about the bloc grant proposal, is the fact that the grant must be used for reducing the property taxes assessed against property by the municipality. They cannot be used for any particular

municipal service such as education. I support the bloc grant as a fair method of revenue sharing and as a method which will give the citizens of our communities more control over local expenditures.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: A week ago today the sponsor made a plea on this Floor that we substitute the bill for the report in an effort, in his words, "to keep the bill alive until such time as a new subsidy bill is before us and a reasonable comparison can be made." A majority of you went along with this approach, although I disagreed with the idea at the time, but I hold no feelings of hostility for the action that we took at that time.

Now we are here a week later, the school subsidy bill has been presented; some of you have compared it objectively, some have not. It has been passed to be engrossed, an amendment has been adopted on this bill here today, and if we fail to indefinitely postpone it or hold it for whatever its worth might be, we are actually allowing it to leave this body for the last time on a comparison basis.

Now much has been said on behalf of the Maine Municipal Association and the sponsors and proponents of this legislation about the unfair and inequitable distribution of monies under the present school subsidy formula. Now all during this criticism of unfairness and inequity, no one has provided us with any objective information on their behalf to support this contention. If it is unfair, the only assumption we can make is that the wealthy get too much and the poor get too little.

If we accept the concept of the bloc grant proposal under compromise, with the proposed amendment here today, I would like to read to you in the summary that the Maine Municipal Association provided us with about three weeks ago, what would happen in the future if the bloc grant concept did replace school subsidies. Their print-out starts out with this statement. If \$50 million were available

for distribution under the local government fund, then a comparison could be made of \$50 million being distributed through their proposal as opposed to \$36 million, a difference of \$14 million under the 1968 school subsidies.

Now the point that strikes my eye is this—under this comparison with an additional \$14 million, 222 municipalities would receive more than the 1968 subsidies whereas 268 would receive less. A majority, a substantial majority of the municipalities in the state would receive less monies with \$14 million more being distributed.

I think another point of view that comes up is this idea of wealth and tax effort, both of which we have taken into consideration in our school subsidy distribution. A further comparison might be made on the idea of tax effort and here is the evidence that they provide us with. Under this extra \$14 million distribution, 109 communities with less than average tax rate would get increases. On the other hand, 104 communities with greater than average tax rate would get decreases. This is a total of 213 municipalities being adversely or oppositely affected by the additional distribution of \$14 million. Now somewhere along the line our sense of values on fairness and equity has been lost.

I would hope today that most of you who are still in an unlocked in position could look at this comparison on a more objective basis than that unfortunate position reflected by the gentleman from Portland, Mr. Brennan, and I suspect it is a feeling that many of you share—that if my community gets more, I am all for it. I have heard a few comments, a very few I might admit, by a few people who I admire a great deal, during the early part of the session when we were struggling with an additional \$4.9 million to go in the school subsidy with the express purpose of helping to relieve the tax burden.

I grant that there are some inequities in our system. At that time, some communities stood to gain through the \$4.9 million, and they admittedly felt that this was unfair, they did not need the

money. If all of you would take this objective point of view and compare what you are buying, and I am talking about the long-range implications—we might as well say it, the money will go to the cities, the poor communities, the rural areas will be farmed out of existence, the plantations and the unorganized territories will reappear. If you will just consider the long-range ramifications of this method of distribution, which I might add is using 9-year old population statistics for a one half factor in the distribution process, I am sure if you maintain a sense of objectivity about this, there is only one conclusion that you can reach. It may be worthy of study.

I think we reflected upon this yesterday, and I doubt if anybody would really resist this proposal as a study. But at this time there is no question of fairness. If you really study the issue, there is no question of inequity. The issue is there, it is not a dollar and cent issue, it is a philosophical issue. I think if you all examine it, you have no choice in your own mind but what to support the motion to indefinitely postpone.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I am so glad Representative Millett presented the facts as they are. I couldn't do the same thing. I have been over it but I can't make it come to an agreement in my mind that it is any good at all. So for once in this session, I am going to support my good friend Mr. Richardson from Stonington.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker and Ladies and Gentlemen of the House: Again this afternoon we have been exposed to some figures as taken from the original bill. This is not before us, in my opinion. The action before us today is the amendment to the bill. Now it is rather difficult to compare the original bill with the proposal that we heard yesterday. They are not at all similar. I ask you to consider the

amendment that is being proposed today with the bill that you heard yesterday. Now I think this is rather unfair tactics to try to compare two things that are not at all equal.

The hearing on the present bill was heard, as mentioned by the good gentleman, Mr. Dennett, with a large attendance. There has never been a hearing on the bill that we looked at yesterday. We never even saw the bill as proposed until yesterday. Now I don't know what chance that bill has had to be aired.

But if you want to kill the amendment to my bill and place your faith into the bill that came before you yesterday for the first time, if you want to continue to accept figures such as was mentioned earlier that we have been working on and call those figures fair, if you want to take the word of the gentlemen that have spoken here and said that my bill is not fair to the small towns, that the bill that you have before you is being fair to small towns, I suggest that you look at page one of the print-out of their bill. I suggest that you look at some of the towns on page one and compare the subsidy money that is proposed in 1970 against the subsidy money in 1969. I suggest that you look at Acton, Alexander, Alna, Amherst, Appleton, Arundel, Aurora, Baileyville, Bancroft, keep on going down the page, and then see if you think that we are being treated fairly in the small towns. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Allen.

Mr. ALLEN: Mr. Speaker and Members of the House: There was no subject before the Education Committee that received as long, as careful, as thoughtful attention as this school subsidy. The school subsidy is a scheme, as has been stated on this floor several times, to provide better educational opportunities in small—not necessarily small, but poorer communities in the State, and if we are going to have a bloc grant or consider a bloc grant, I believe it should be after study, at that we can very well have a school subsidy and a bloc grant as well to

be turned over to towns to relieve their property tax burden.

I am very much in favor of the motion to indefinitely postpone.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Some time before the Legislature met, the Maine Education Council came out with a report with an over-collection feature as a suggestion of the subsidy measure. Three of the towns that they suggested should receive absolutely no state subsidy and should return to the Treasury of the State of Maine over \$1 million, under the Maine Municipal Program will receive a 10 per cent and in one case in excess of 10 per cent increase in their subsidy. And I do not feel that in the case of these three towns, some of the lowest mill rate efforts in the State of Maine, to get a 10 per cent increase, I do not feel that this is fair and I would submit that this is against the principle of trying to equalize education in the State of Maine.

The SPEAKER: The pending question is the motion of the gentleman from Stonington, Mr. Richardson, that Bill "An Act Establishing a State-Municipal Government Revenue Sharing Program." House Paper 1174, L. D. 1498, be indefinitely postponed. The gentleman from Portland, Mr. Brennan, moved that when the vote was 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 a desire for a roll call vote, a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Stonington, Mr. Richardson, that L. D. 1498 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—Allen, Barnes, Benson, Binnette, Birt, Bourgoin, Bragdon, Brown, Buckley, Burnham, Carter, Casey, Chick, Clark, C. H.; Corson, Croteau, Cummings, Curtis, Dam, Dennett, Donaghy, Dudley, Durgin, Erickson, Farnham, Faucher, Finemore, Fortier, A. J.; Foster, Fraser, Gilbert, Hall, Hanson, Hardy, Hawkens, Henley, Heselton, Hewes, Hichens, Hunter, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Levesque, Lewin, Lewis, Lincoln, MacPhail, Marstaller, Martin, McKinnon, Millett, Mills, Mitchell, Morgan, Mosher, Ouellette, Page, Payson, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Ross, Sahagian, Scott, C. F.; Shaw, Stilings, Susi, Thompson, Tyndale, Watson, White, Wood.

NAY—Bedard, Berman, Bernier, Brennan, Carey, Chandler, Clark, H. G.; Coffey, Cote, Cottrell, Crommett, Crosby, Curran, Drigotas, Fecteau, Giroux, Harriman, Haskell, Huber, Jalbert, Kelleher, Laberge, Lee, Leibowitz, LePage, Lund, McNally, McTeague, Meisner, Moreshead, Nadeau, Noyes, Porter, Scott, G. W.; Sheltra, Snow, Starbird, Temple, Trask, Vincent, Waxman, Wheeler, Wight, Williams.

ABSENT—Baker, Boudreau, Bunker, Carrier, Couture, Cox, Cushing, D'Alfonso, Danton, Dyar, Emery, Eustis, Evans, Fortier, M.; Gauthier, Good, Jameson, Jutras, Marquis, Norris, Ricker, Santoro, Soulas, Tanguay,

Yes, 82; No, 44; Absent 24.

The SPEAKER: Eighty-two having voted in the affirmative and forty-four having voted in the negative, the motion does prevail, and it will be sent up for concurrence.

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

Mr. RICHARDSON: Mr. Speaker, I move that we reconsider our action whereby this was indefinitely postponed, and I would urge everyone to vote against me.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the House reconsider its action whereby this Bill was

indefinitely postponed. All in favor say yes; those opposed say no.

A viva voce vote being taken, the motion did not prevail.

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 10, by Mr. Rideout of Manchester.

Pending—Final Passage.

On motion of Mr. Levesque of Madawaska, retabbed 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 10, by Mr. Kelley of Southport.

Pending—Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I dislike speaking on more than one bill in the same day but today on the calendar four of my bills did appear, because through the courtesy of the House they were tabled last week until I returned this week because of my necessary absence. But the last bill on the agenda was one of mine and that has been tabled, so that will preclude some of it anyhow.

For years we have been trying to find a solution which was a proper and equitable method for taxing boats. The last session there was a committee compromise which I strenuously opposed here in the House. It didn't even have a hearing. And in short it said that before you could get a registration you had to prove that your taxes were paid. This was supposed to encourage places to tax their boats. I considered this

to be a great inconvenience to the general boating public because of the lack of uniformity in taxing boats in the towns and that did prove to be the case.

Each session for the last four sessions the Taxation Committee has recommended to various interested parties that they get together and work out a solution. This last year this is what they have done. For months they have been working on the problem and the associations are the Maine Marine Trade Association, the Maine Boat Builders Association, the Marine Repairers, the Pine Tree Boat Council. They have had working on these proposals at least four attorneys, they have had three redrafts, and the bill before us now is the latest redraft of the bill and the Taxation Committee did consider it workable. There may be questions which will arise but I hope that the House does vote for the passage of this bill.

Mr. Kelley of Southport then offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-516) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: Coming from a coastal area I am naturally interested in any proposal that involves the taxation on boats.

During my three terms here I have seen numerous bills proposed, come across my desk, and I can truthfully say that this one contains the greatest inequalities, the most unfair and unjust bill that I have seen yet. Now I realize from the remarks of the gentleman from Bath, Mr. Ross, that certain organizations worked on this bill and prepared it for presentation. I would like to point out some of the inequalities, at least I feel they are inequalities.

The tax on these boats will be based on length only. Now I have always assumed that the placing of any tax was determined by the value of the object taxed. Let me give you an illustration. I might have a lobster fisherman in my community who has a boat twenty

years old, 30 feet long, possibly worth \$2,000 at the most. He would be paying the same amount of tax as some individual who owns a comparable boat in length but worth thirty or forty thousand dollars.

Now I can anticipate the grumbings and the objections to this from the constituents that I represent and I move that the bill and all its papers be indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman that we still have an amendment before us and that is the only thing pending, House Amendment "E".

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: In just speaking to House Amendment "E", I have looked it over and I have talked with the gentleman from Southport, Mr. Kelley, and that would be acceptable to the Committee.

The SPEAKER: The pending question is the adoption of House Amendment "E".

Thereupon, House Amendment "E" was adopted.

The SPEAKER: The pending question is passage to be engrossed as amended by House Amendment "E".

The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, if I am in order, I now move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Bristol, Mr. Lewis, now moves the indefinite postponement of item 9, L. D. 1569, as amended.

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: I had presupposed that the questions were going to be posed just as Mr. Lewis suggested, and that is the inequality on taxing the boats according to length only. Well this is not really taxing boats, this is like an excise tax. But it is very very difficult to figure the true value of boats and all over the State it varies from town to town. And at the Taxation hearing those persons who are very knowledgeable in the field of taxation finally said that they also recognized this fact, but it would be a great deal

better to have some sort of a uniform tax law on our books relative to boats than what we have now. The boat that he specifically referred to, a 40 foot fishing boat, would be taxed at \$50, not an exorbitant fee, \$50. Unfortunately a boat of much more value would be \$50, but it is just not possible to figure out a formula that would arrive at the true value of boats.

And when this vote is taken I request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: I don't think that the change for the sake of change alone is what we want to follow here. I have had no great difficulty in picking up boats in my town, particularly since the bill that we passed last time during the 103rd Legislature was put into effect. I think if the assessors get out and do their job they can pick up the boats and do a fairly good job at it.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have been in the boat business for a great many years. The tax problems up and down the coast show a great deal of variety. I personally favor the tax proposed in this bill, with my four documented vessels it would make a saving for me of \$4.70.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Very reluctantly I rise in opposition to the motion made by my very good friend from Bristol, Mr. Lewis. I rise in support of Mr. Ross from Bath.

Now, I will say that no doubt even in this proposed plan that certain inequities exist, but they are nothing like the present inequities that I find at least in the southern end of the state, particularly in my own town of Kittery. Of course Kittery is a town in which a great number of



boats are owned, both commercial fishermen and pleasure boats and the poor taxpayer down there who owns a boat has been quite beside himself. I think that the assessor that we had in Kittery, prior to the arrival of a new one, had a thing about boats and everyone who owned a boat and received a tax bill very nearly passed out. The man had absolutely no conception as to the value of a boat and they apparently would tax to suit his mood at that moment.

I feel very strongly that if we can only get in something that relates to an excise tax on these boats, such as the bill proposed by the gentleman from Bath, Mr. Ross, we can go a long way toward overcoming a lot of difficulties. Now I would only hope—again to use perhaps quite a worn cliché, that if this bill could only be kept alive perhaps something that would be more satisfactory to everyone might be worked out.

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

Mr. BENSON: Mr. Speaker and Members of the House: I too come from a coastal community. I too am concerned about boat taxation. We have listened to rather extensive debate, in every session of the Legislature that I have been associated with, about the very perplexing problem of boat taxation and as yet there has not been a solution that was acceptable to everyone, and we are not talking about a solution today that is acceptable to everyone.

There was a study made by the Legislative Research Committee on boat taxation. There were many people presenting ideas to that Committee. They talked about an excise tax; this had problems. And I just cannot convince myself that it would be right to go along with a bill, such as the registration bill we're talking about today, where a 19-foot Old Town canoe would be taxed at the same rate as a 19-foot luxury outboard motor boat with twin eighty horse outboard motors valued at somewhere in the vicinity of \$7,000.

There has got to be, in order for a boat taxation bill to be fair and equitable, there has got to be

consideration of value. You just cannot enact a boat taxation bill, a registration bill, that does not take in consideration the value of the craft.

I represent a small community known as Cranberry Island. They rely very heavily on the monies that they receive from the taxation of boats and I shudder to think what the adoption of this bill would do to that small community. There is just one good feature of this bill and that good feature is that it makes boat taxation throughout the state uniform, and that is about the only thing that I can say about the bill that is really good.

I do have to agree with the gentleman from Kittery, Mr. Dennett that this is a step in the right direction and I would like very much to arrive at a point where we could have uniform boat taxation with consideration given to the length of the boat as well as to the value. When that day arrives I think we will have a boat tax method that will be acceptable to everyone but probably the boat owner. But until that time arrives I would have to oppose such a bill as we are talking about here. Thank you.

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

Mr. TEMPLE: Mr. Speaker and Ladies and Gentlemen of the House: I have before me today a letter from the assessor of taxes of the City of Portland and in his opinion he feels that they can ill afford to lose a minimum of \$34,500 each year if this bill is passed, and in his opinion the personal property tax statute is workable and can be administered and they would like to feel in the City of Portland that it be left as is.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I like Mr. Benson come from a coastal community with fishermen in it and I can assure you that I will have one delighted fisherman who has a brand new boat built this year, a 39-foot boat built last spring. He has a brand new diesel engine in it. The town will un-

doubtedly value this boat at somewhere in the vicinity of \$20,000 and yet he is going to pay a tax of \$50 on it. But I will have a very disgruntled fisherman who owns a 26-foot lobster boat, which was built in 1939, thirty years ago. It has a second-hand automobile engine in it and it is valued at the present time by the town at \$1,000; so he will certainly kick loudly at a \$50 tax on that boat.

So I would submit that this bill is patently unfair.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: From as far inland as I come I surely can't be accused of belonging to a coastal community, but I can assure you there will be many disgruntled persons in my area if this bill goes through. I have had several calls over the weekend and I wasn't quite aware as to what the bill did until I was brought aware of it by one gentleman in particular who was very frank in his opinion of the bill and in studying it — I was approached today by another gentleman asking me my opinion on it and I told him that I would like to study it over more. The more I have studied it, the less I like it; and I think today that I will have to vote against it.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I too am from inland and I suppose that I should be reserved about speaking on this, but I think I have earned the right to speak inasmuch as I have spent, the same as many of us have, just hours and hours and hours listening to testimony on this. So although I won't claim to be an expert I think I have developed some reactions to it.

I think the observations that were first made by Mr. Lewis, the gentleman from Bristol, that it opens up for all sorts of inequities, is so valid; and this has disturbed me all along about this bill. But I can remember of testimony being given in the hearings on this bill

and other bills, something to the effect that boats up to around 16 or 18 feet account for around 85 per cent of the boats by number. And from the administrative standpoint a small boat or a large boat both involve more or less the same paper work, and it might be in order to be considering now an amendment which would apply an excise tax on boats up to in the range of 16 or 18 feet and thus take in nearly all the boats — and not the value, but the boats by number, and simplify our boat taxing to that extent; and then let the larger boats, where the big discrepancies in value exist, be assessed by value. And we may have made a real gain by doing that.

I think I can feel that this bill has about as much future as — and perhaps if we can salvage this much we will have made a step forward in boat taxation. Thank you.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: We have heard from all along the coast about the boats. We have heard about the people that live inland. I come from a town where they build boats and they are very much opposed to this measure, and I will certainly follow Mr. Lewis' motion.

Mr. Sahagian of Belgrade moved the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All members desiring the previous question be entertained will vote yes; those opposed will vote no. The Chair opens the vote.

A sufficient number having voted, the previous question was ordered.

The SPEAKER: The question now before the House is, shall the main question be put now? All in favor say yes; those opposed say no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The main question is on the motion of the gentleman from Bristol, Mr. Lewis that

this Bill "An Act to Extend Registration Coverage and to Provide Increased Fees in Lieu of Personal Property Tax on Certain Watercraft," House Paper 1236, L. D. 1569, be indefinitely postponed. The gentleman from Bath, Mr. Ross requests 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 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 Bristol, Mr. Lewis, that L. D. 1569 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, Benson, Berman, Bernier, Binnette, Birt, Bourgoin, Bragdon, Brennan, Brown, Buckley, Burnham, Carey, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Crosby, Croteau, Curtis, Dudley, Dyar, Erickson, Farnham, Faucher, Fecteau, Finemore, Foster, Fraser, Gauthier, Gilbert, Giroux, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Heselton, Hewes, Hichens, Huber, Hunter, Jalbert, Johnston, Kelleher, Kelley, K. F.; Keyte, Laberge, Lebel, Lee, Leibowitz, LePage, Levesque, Lewis, Marstaller, McKinnon, McNally, McTeague, Meisner, Mills, Mitchell, Morgan, Mosher, Nadeau, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Rocheleau, Sahagian, Scott, C. F.; Scott, G. W.; Snow, Starbird, Temple, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, Wood.

NAY—Allen, Baker, Barnes, Coffey, Corson, Crommett, Curran, Dennett, Drigotas, Durgin, Fortier, A. J.; Harriman, Henley, Kelley, R. P.; Lewin, Lincoln, Lund, MacPhail, Martin, Millett, Moreshead,

Noyes, Richardson, H. L.; Rideout, Ross, Shaw, Stillings, Susi, White.

ABSENT—Boudreau, Bunker, Carrier, Cote, Cottrell, Couture, Cox, Cummings, Cushing, D'Alfonso, Dam, Danton, Donaghy, Emery, Eustis, Evans, Fortier, M.; Immonen, Jameson, Jutras, Kilroy, Lawry, Marquis, Norris, Ricker, Santoro, Sheltra, Soulas, Tanguay, Wight, Williams,

Yes, 90; No, 29; Absent, 31.

The SPEAKER: Ninety having voted in the affirmative and twenty-nine having voted in the negative, the motion does prevail.

Sent up for concurrence.

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 10, by Mr. Levesque of Madawaska.

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

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I respectfully request that this be tabled for one day, please.

Thereupon, Mr. Hardy of Hope requested a vote on the tabling motion.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher moves that item ten, L. D. 1352, be tabled until the next legislative day pending the motion of Mr. Scott of Wilton to indefinitely postpone. A vote has been requested on the tabling motion. All in favor of this matter being tabled will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

52 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

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

Bill "An Act Establishing the Municipal Public Employees Labor Relations Law" (H. P. 636) (L. D. 824)

Tabled—June 10, by Mr. Huber of Rockland.

Pending—Adoption of House Amendment "A" H-447.

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

Mr. BINNETTE: Mr. Speaker, will you please table that for another legislative day?

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

The SPEAKER: The gentleman from Old Town, Mr. Binnette moves that item 11, L. D. 824, be tabled until the next legislative day pending the adoption of House Amendment "A". A vote has been requested on the tabling motion. All in favor of this matter being tabled will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

35 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is the adoption of House Amendment "A".

The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker and Ladies and Gentlemen of the House: House Amendment "A" to L. D. 824 was presented quite some time ago and just to bring things up to date, this, in the Public Employees Labor Relations bill, there is a section of the bill which prohibits the right to strike. The section is under Public Employee Prohibitions, and lists, among other things, a work stoppage, a slow down, a strike or the blacklisting of any public employer for the purpose of preventing it from filling employee vacancies.

Now the committee made considerable concessions, as a matter of fact, concessions have been made by a good many people and a good many organizations on this particular piece of legislation, in fact the whole field of public employees and labor relations. And quite frankly, I am not too sure that you really want to adopt House Amendment "A", although I am not going to make any such

motion because my personal opinion is it would be a good move—not exactly a wise move maybe, but a good move, and there is only one other state that I know of that has avoided saying yes or no on the right to strike. Most all of the states go into great detail on the strike legislation for public employees.

However, this amendment really belongs in tandem with Amendment "B", which for all substantial purposes creates compulsory arbitration. Now when I said we have all conceded and made concessions on this document, I feel that I have made a good many myself, because those of you who have been around for three terms know the bulldog attitude I took with the thoughts of compulsory arbitration that went into the Firemen's Arbitration Law. I personally would rather see the communities and the school boards and every other legislative body make their own ground rules.

However, I don't know that we want to innovate, and I think that is exactly what we would be doing, on the right to strike and compulsory arbitration. So I am going to leave it right there and hope, as I think Representative Ross meant for you to do, was to get into this with some of your opinions and perhaps some of your questions, because this is very very important legislation and I think you better plan on passing something, and I hope it is going to be this one.

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

Mr. HASKELL: Mr. Speaker and Members of the House: As a member of the Labor Committee, perhaps I can pinpoint the area of controversy in this no-strike section of the law. There is a growing demand in this field that because of the difficulty of outlining the areas in public employment in which a strike obviously cannot be tolerated. As an example, in your police, fire, hospital areas as examples, because of a point of view that employees in the essential areas will use restraint and will not strike in essential areas and that therefore a no-strike sec-

tion is unnecessary. This is the type of innovation that our House Chairman is referring to.

However, the great bulk of legislation that has been written in this field recognizes that there are areas in public employment in which very obviously a strike situation cannot be tolerated by the public and that it is almost impossible to write legislation that would define the areas in which a strike could not be tolerated and the areas in municipal employment in which a strike possibly could be. Therefore, the solution in most states where this legislation has been written, the most sensible solution seems to be to write the no-strike provision in and to couple it with compulsory arbitration.

Now I would point out in an effort to spare lengthy debate on this, that this position was reported out and this decision was made by your Legislative Research Committee. After hearing very extended testimony and giving it very extended consideration, this is a unanimous opinion of your Labor Committee, that the best legislation to serve the purposes of the State of Maine would be to include a no-strike provision and also a compulsory arbitration position.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: I now move that the house reconsider its action whereby House Amendment "A" under filing H-447 was adopted and would speak to my motion.

The SPEAKER: The Chair would advise the gentleman that House Amendment "A" is pending adoption. It has not been adopted.

Mr. FARNHAM: I was quite certain it was adopted a week ago, I am sorry.

The SPEAKER: It was reconsidered. Now the question is adoption.

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: I am glad that we are a little bit far afield from boats at this time. This also was one of my splendid pieces of legislation. It was studied by the Research Committee and perhaps you remember my mentioning last

week it received more intensive study than any item I have ever seen the Research Committee study.

The Research Committee favored the bill as it was. The Labor Committee favored the bill as it was. I presented this amendment just to encourage House discussion of this because I know that in this House there are certain people who do not want to outlaw strikes, but the Committee favored the no-strike provision coupled with compulsory arbitration and I said at the time, if you are going to adopt Committee Amendment "A" which eliminates the no-strike provision, then you must also eliminate the compulsory arbitration. But my personal opinion is, you should leave the bill the way it is, and so if somebody would like to move that my amendment be indefinitely postponed it would be all right with me.

Thereupon, on motion of Mr. Hardy of Hope, House Amendment "A" was indefinitely postponed.

The SPEAKER: Is it now the pleasure of the House that this bill be passed to be engrossed as amended by Committee Amendment "A"?

The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker, a quick question. We did not adopt Committee Amendment "A".

The SPEAKER: The Chair would advise the gentleman that Committee Amendment "A" was adopted June 3.

Mr. HUBER: Mr. Speaker, may I question the Representative from Hope what the motion was?

The SPEAKER: The gentleman from Hope, Mr. Hardy moved the indefinite postponement of House Amendment "A", which did prevail.

Mr. HUBER: Pardon me; I stand corrected. Thank you, sir. I now present House Amendment "D" and move its passage. I would like to speak on the motion.

House Amendment "D" (H-451) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HUBER: Mr. Speaker and Members of the House: In all fairness to the Committee on the

job they did, you will note that if you read this bill closely it looks in areas like an inner tube that has been patched. In other words I suspect—no I don't, I know that groups that wanted some special treatment or some special spots in here, and this is where the problem comes of trying to pass one bill to cover a multitudinous number of public employee organizations.

The amendment takes care of the section under the obligation to bargain under negotiations and it read when it came from the Committee, the Legislative Research Committee, "to confer and negotiate."—this is what collective bargaining means for the purpose of this chapter, their mutual obligation, section C, "To confer and negotiate in good faith with respect to wages, hours working conditions and contract grievance arbitration except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession and except that public employers of teachers need not confer and negotiate with respect to educational policies;"

Now that after the word "concession" is what was added as a concession. You will note earlier we mentioned that the blackmailing of any school system or public employer. This has already been taken care of by the Committee Amendment.

Now I propose that the language that is added on to the end of the section C and was added at the request of someone, I suggest that that language is going to give us a considerable amount of trouble; in fact, the language in the whole bill in some areas is and there is no sense making it any more difficult than it is for school boards or boards of selectmen or city councils to learn how to sit down and negotiate with public employees.

They are going to have troubles enough because the public employee organizations are pretty well organized and are being educated today in the methods of negotiation and rather than try to drag our feet, no one is more concerned with

the militancy of the MTA than I am. If my name were John Marvin I don't know how I would handle the problem, but he is handling it in his way and I occasionally object seriously to that militancy, but backing away from sitting down and negotiating with—teachers, sitting down and talking with teachers, is not going to solve the problem. Now in good faith if this is to work we need to take out some of this extraneous language and this is why I submitted this amendment.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I will have to oppose my good friend, Mr. Huber on this. This is the most controversial section of this bill. This represents a conflict in viewpoint between the superintendents, the school boards on the one hand and on the other hand we have this amendment which in my view is largely the brain child of the representative of the MTA, Mr. Marvin.

The superintendents in the state view this matter very seriously. The original language as it came out of the Legislative Research Committee was rather strong. It said that the public employers of teachers need not confer and negotiate with respect to educational policy. Now the Committee modified this language in an attempt to reach a compromise position between that desired by the superintendents and those in the Maine Teachers Association and we amended the language so that it now reads as reported out of Committee with a unanimous report, "except that public employers of teachers shall meet and consult but not negotiate with respect to educational policy."

I have a letter here from Arnold Selwood, the president of the Maine State Superintendents Association, which I will not read in total but he quotes the language as it come out of Committee and indicates their approval of it. He says, as the final paragraph, "We would object to any amendment from the Floor that would delete or change this section through the elimination

of that portion of the section following the word 'concession.'" Now this is signed by Arnold L. Selwood as president of the Maine State Superintendents Association.

I also have a letter from the State School Boards Association, from their representative, Mrs. Emily C. Floyd of Farmington. Again they indicate general approval of the language as it has come from the Committee and the final statement in the letter is, "Consequently in view of the above the State School Boards Association would object to any change in L. D. 824 whereby public employers of teachers would have to negotiate with a teachers' association with respect to educational policy." I think the key word to notice here is the word "negotiate." They are perfectly willing to confer and to discuss but both the State School Boards Association and the State Superintendents Association are unwilling to have language in the bill that would indicate a necessity on their part to negotiate educational policy.

I think the language that has come out of the Committee represents a fair compromise between conflicting points of view and I would hope that you would vote against the amendment offered by Mr. Huber.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I concur with the gentleman from Houlton, Mr. Haskell. At the public hearing when this section was discussed relative to educational policy, Dr. Marvin used this as one of his strongest points against the wording because he said that educational policy could even include and mean salaries, and so in order to satisfy this I had another amendment prepared which I have not offered which adds to that for the purpose of this paragraph: "Educational policies shall not include salaries, pensions or insurance." But I have been perfectly content with the Committee Amendment, which does exactly what I would like to do and I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the indefinite postponement of House Amendment "D".

The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr Speaker and Members of the House: Early this winter after this session had started I had occasion with other members of the Knox County delegation to sit down with superintendents, principals, school board members along the coast. Now a very good friend who is a good business man and he has a group of employees, a good sized shop he runs, his labor relations are very good as most of them are in the smaller communities and smaller businesses. Because he does sit down; he is in the shop, he does sit down. His comment to me when we got to this portion of the bill and the thoughts of negotiation is that isn't there some way where all teacher's salaries can be negotiated in Augusta?

Now this was not because he was shirking the job, this is because he was very very apprehensive about having to sit down and talk. He knows how to do it in the private sector of the labor relations field but he does not know how to do it in the public sector. Now he can farm that job out just as far as he wants to but the first time somebody questions it to go to court you are going to find that the legislative body that is responsible for the expenditures of the taxes has got to be the one that directly is responsible for negotiating on money matters with the municipal employees, including the teachers.

Now I submit that the superintendents are fully aware of what the problem is, they are fully aware of what the teachers are after and what the teachers want, and I say that it is time that they learn to take their courage in their hands and sit down at the table and talk, and I think quite frankly that you leave the language, even as it came from the committee, on this bill, I think you are going to slow up the process of learning — and that is what it is, with the public employer, it is going to be a process of learning, I think

you are going to slow that up to the point where we are really going to have some troubles.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Members of the House: I regret to rise and oppose the gentleman from Rockland Mr. Huber, recognizing his long experience on the Labor Committee, but I do wish to stand by the motion of Mr. Haskell that this amendment be indefinitely postponed. And I base by reasoning on this: in any set of negotiations, whether it is in the public or private sector, there are certain functions that are called management functions and which management is not expected to negotiate on, and as I see this this is a management function as to educational policies, management in this case would be your school board or your school superintendent.

Now we are not taking away from the teachers the right to negotiate on wages and hours and so forth, and those are the subjects that are normally before any set of negotiations in either the public or private area. And I can say this after many years of dealings with many unions, most union people and union leaders will promptly tell you when it comes to a subject like this: "Look that's management's job, you run the show and we will do the job for you. You just pay us all you can and that is what we are after." So I hope the motion to indefinitely postpone does prevail.

The SPEAKER: The pending question is the motion of the gentleman from Bath, Mr. Ross, that House Amendment "D" be indefinitely postponed. Is the House ready for the question? All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

73 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: There

was some mention made on the start of this that we wanted to have some discussion. We have had quite a bit of it and it is quite obvious that not many of us know what this is all about. We are really letting ourselves in for a can of worms. I have noticed since this thing was given to me back in November at the brainwashing session here when it was given as an example of the fine work of the Research Committee.

I move that the bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that item 11, L. D. 824 as amended be indefinitely postponed.

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: Well now, I don't know, maybe I do have another boat bill here, but I certainly hope that we don't, because it was studied thoroughly—it is complicated I will admit—but I hope that you vote against the motion to indefinitely postpone.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have listened very carefully and without this amendment—and I think we are getting in trouble in this field and let's not be hasty and I think we would be doing our people a favor and making a very wise move if we move along with this gentleman to indefinitely postpone this measure.

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

Mr. HASKELL: Mr. Speaker and Members of the House: Like Mr. Dudley and Mr. Donaghy, I come from an area that up to now has not experienced either labor trouble or the threat of labor trouble in this field. I think, however, that they both should recognize that the time has arrived, that we must set up an orderly process for negotiations between public employees and their employers. We have listened in the Labor Committee this winter to situation after situation par-



ticularly in the more heavily populated areas of the state where there are incipient strikes in prospect. I think rather than wait until we are in an aggravated labor situation that it is time now to pass a constructive labor bill that would provide an orderly process for the solution of these problems which basically are the result of a failure in communication as people work in a larger and larger environment.

I think that it is not a pressing problem in the rural areas of the state; it is an imminent problem in the more urban areas in the state. I think this is good legislation. I think the time for its passage has arrived.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I think that Mr. Haskell, the gentleman from Houlton, has answered the question far better than I could in that he says that there are incipient strikes but they are in the large areas. I don't think by legislating this bill through so that small towns who have a hard enough time to get school board members and selectmen and so forth are going to be put in the position of having to go through all this formality of handling and encouraging the labor dissension. This is what—we are getting the whole state involved in something that a very small segment of it actually, as far as area is concerned anyway, is involved in.

I just can't conceive how we are going to get school board members who are busy — lawyers, doctors, professional men of various types, to give of their time to sit through, what few evenings they may have off, to negotiate the many small items that Mr. Marvin and his cohorts will bring before them, and you can be sure they will whether they are in East Oshkosh or Lubec.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: By a quirk of fate it happened that I was on the subcommittee of the Legisla-

tive Research Committee that studied this bill and when I was assigned to this committee what I knew about collective bargaining you could write on the head of a pin. I never had any experience with any labor problems, I never had any member of my family even that belonged to a labor union, so I knew little about the terminology or anything to do with it.

However, in the process of the study that went into this bill I think I have received a fairly good education and I am convinced that although many of the members of this House that come from rural areas as I do and have not been faced with these problems yet have no idea of the necessity that we have in this state for this bill. I am sure if you lived in the areas that have had these problems to face you would be looking for legislation or some other form of guidance, something to go by that would give you the rules of the game. And as I see it that is what this legislation is, nothing else. Pure and simple, it is the rules of the game by which you may bargain collectively.

Now the fact that you haven't seen any need of this is no proof that you will not see the need of it in the very near future, and as far as people serving on school boards not having the time to negotiate, they are going to have to take the time whether they have this bill or not, and I am sure that when they are faced with that duty they will see that there is a great need for a law to govern it, and I hope you will not vote for the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: If my recollection is correct regarding the hearings before the Labor Committee on this bill, all of the statewide representatives, what we might call both sides, Labor and Management, recognized, as has been said, the need for certain ground rules, including the Maine Teacher's Association, the unit of the AFL-CIO concerned with governmental employees, the School Superinten-

dent's Association, and I believe, if my recollection is correct, the Maine Education Association as well as the Municipal Association. So the people involved in the area, the people that work with it day in and day out, all agree that there is a need for ground rules.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker and Ladies and Gentlemen of the House: As you all are aware I am usually on the other side of the signed bills. However, I feel that this bill is necessary and I have a great deal of sympathy for the gentleman from Lubec, Mr. Donaghy. However, with this piece of legislation, the gentleman he referred to, I think his name was Marvin, will at least have some ground rules that he will have to follow.

Mr. Casey of Baileyville requested the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Members of the House: I rise to oppose the motion to indefinitely postpone. I think not to accept this bill—it is not a perfect instrument, neither was the Declaration of Independence, but not to accept it is like the ostrich hiding his head in the sand. The problem is here in many areas now and it is going to grow and the people who have to work with this must have some ground rules to work with and this bill does give us the ground rules. I hope you will defeat the motion to indefinitely postpone.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: I support the motion of Mr. Donaghy for indefinite postponement. Mr. Huber said about his amendment, we are in trouble if we don't adopt this amendment. I believe we are in trouble if we pass this bill.

In the small towns I represent there is communication now between the school boards and the teachers and between the selectmen and the town employees and they do communicate. If we pass this bill we have got to replace communication with compulsory arbi-

tration and I don't think that is what we want.

The SPEAKER: 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 Lubec, Mr. Donaghy that Bill "An Act Establishing the Municipal Public Employees Labor Relations Law," House Paper 636, L. D. 824, as amended 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 — Barnes, Bragdon, Curtis, Dennett, Donaghy, Dudley, Dyar, Gauthier, Hanson, Harriman, Henley, Kelley, K. F.; Lebel, Lee, Lewis, Lincoln, Marstaller, McNally, Ouellette, Quimby, Rand, Richardson, G. A.; Temple, Wight.

NAY — Allen, Baker, Bedard, Benson, Berman, Bernier, Binnette, Birt, Bourgoin, Buckley, Burnham, Carey, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Crommett, Crosby, Croteau, Curran, Dam, Drigotas, Durgin, Erickson, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fraser, Gilbert, Giroux, Good, Hall, Hardy, Haskell, Hawkins, Heselton, Hewes, Hichens, Huber, Immonen, Jalbert, Johnston, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Leibowitz, LePage, Levesque, Lewin, Lund, MacPhail, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Page, Payson, Porter, Pratt, Richardson, H. L.; Rideout, Rocheleau, Ross, Sahagian, Scott, G. W.; Shaw, Snow, Starbird, Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Wood.

ABSENT — Boudreau, Brennan, Brown, Bunker, Carrier, Cote,

Cottrell, Couture, Cox, Cummings, Cushing, D'Alfonso, Danton, Emery, Eustis, Evans, Fortier, M.; Foster, Hunter, Jameson, Jutras, Marquis, Meisner, Norris, Noyes, Ricker, Santoro, Scott, C. F.; Sheltra, Soulas, Tanguay, Williams.

Yes, 24; No, 94; Absent, 32.

The SPEAKER: Twenty-four having voted in the affirmative and ninety-four in the negative, the motion does not prevail.

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

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

Mr. WAXMAN: Mr. Speaker, is the House in possession of House Paper 805, L. D. 1044?

The SPEAKER: The answer is in the affirmative. The House is in possession of An Act Creating a School Administrative District for the City of Portland.

Mr. WAXMAN: Mr. Speaker, I move that the House reconsider its action of earlier today whereby this Bill was indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Waxman moves that the House reconsider its action of earlier in the day whereby this bill was indefinitely postponed.

Mr. WAXMAN: Mr. Speaker, I now would hope that someone would table this until tomorrow as a compromise amendment is going to be attempted to be worked.

Whereupon, on motion of Mr. Jalbert of Lewiston, tabled pending the motion of Mr. Waxman of Portland to reconsider and specially assigned for tomorrow.

The Chair laid before the House the twelfth 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 10, by Mr. Huber of Rockland.

Pending — Passage to be engrossed.

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

The Chair laid before the House the thirteenth 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 10, by Mr. Corson of Madison.

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 fourteenth tabled and today assigned matter:

JOINT ORDER relative to Recalling (S. P. 389) (L. D. 1314) from Legislative files to Senate (S. P. 495) (In Senate, passed)

Tabled—June 10, by Mr. Birt of East Millinocket.

Pending — Passage in concurrence.

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

Mr. BIRT: Mr. Speaker, I now move that this order be passed in concurrence.

The SPEAKER: The Chair would advise the House that this requires a two-thirds vote.

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

Mr. JALBERT: Mr. Speaker, I think some members are not now aware of what the order is; if we could know what it is by title.

Whereupon, the Speaker read the order.

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

Mr. BERMAN: Mr. Speaker, if I am in order I would like to ask the reason why this is being suggested to be recalled.

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

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

Mr. BIRT: Mr. Speaker and Members of the House: This bill was originally put in by a member of the other body and he desires to amend it and I have talked with the Museum Department

about this. They feel that this bill presents no problems to them. They are in agreement that its passage would be a relatively good piece of legislation and the allowance of being recalled from the legislative files for amendment appeared to them to be reasonable.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: At the risk of offending the good gentleman, Mr. Birt, I was against this bill when it was presented to the Committee; I was against it when we turned it down; I am against it now and I will be against it tomorrow, and I hope you will vote against the recall motion.

The SPEAKER: This Order for joint concurrence in passage requires a two-thirds affirmative vote of the members present and voting. All members desiring this order receive passage will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

41 having voted in the affirmative and 60 having voted in the negative, and two thirds not having voted for passage, the Order failed of passage.

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

Bill "An Act relating to Welfare Assistance" (H. P. 687) (L. D. 918) (In House, indefinitely postponed) (In Senate, passed to be engrossed as amended by Senate Amendment "B" S-224 as amended by Senate Amendment "A" S-240 thereto.

Tabled—June 10, by Mr. Birt of East Millinocket.

Pending—Further consideration.

On motion of Mr. Birt of East Millinocket, the House voted to recede from indefinite postponement.

Senate Amendment "B" (S-224) was read by the Clerk.

Senate Amendment "A" to Senate Amendment "B" (S-240) was read by the Clerk and on motion of the same gentleman was indefinitely postponed in non-concurrence.

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

House Amendment "A" to Senate Amendment "B" (H-514) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker and Members of the House: Well, I just heard through the grapevine, Mr. Speaker, that my amendment is dead. I didn't get up soon enough.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I move that we reconsider our action whereby we indefinitely postponed Senate Amendment "A" to—

The SPEAKER: The Chair would advise the gentleman that the only matter now before the House is House Amendment "A" to Senate Amendment "B". Does the gentleman wish to make a motion relative to House Amendment "A"?

Mr. JALBERT: Mr. Speaker, I don't want to make a motion on House Amendment "A". Yes, I would move that we indefinitely postpone House Amendment "A" so I can get a—

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert moves the indefinite postponement of House Amendment "A" to Senate Amendment "B". Is this the pleasure of the House?

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

Mr. BIRT: Mr. Speaker, I think we are going to get into a parliamentary hassle here before we get done, it appears, but to attempt to explain what is in the process of going on, Senate Amendment "A" to Senate Amendment "B" would put back into L. D. 918 some funds at a cost of \$245,000 per year with eight employees. This would have to go on the Appropriations table and from what knowledge I have with the bills on the Appropriations table there certainly isn't going to be money enough to fund it.

We had a long discussion of L. D. 918 a few days ago and at that

time it was indefinitely postponed in the House. The Senate, it put on two amendments, one of them to establish a policy, which my belief is that the next Legislature could be faced, in attempting to fund this policy, would put back in some of the problems that are presently in L. D. 918 which were objected to previously in the House and it also put in this cost factor. The amendment that I have just offered takes out the policy statement and takes the money out. It also takes out two paragraphs at the end.

The information I find on these two paragraphs is that in the event that a person is refused General Assistance that he can request it in writing. A discussion between the local officials and the person who is involved would allow a favorable solution, but if it is put in writing it could create a great deal of problem in that it could be used in an attempt to force this into court, and it was felt by talking with some people who had been involved in the welfare area that this was an unwise section.

The second section requires that if he doesn't receive satisfactory answers from the local welfare people that he can appeal to the Commissioner. As long as General Welfare is handled at the local level it is the feeling that the local people should have the final say on it and they should not be able to appeal to the Commissioner of Health and Welfare.

It does leave in one large paragraph which was felt was reasonably desirable, and I have left this section in the bill. I think this attempts to explain what has been considered and I would hope that the House amendment is not indefinitely postponed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: If we are doing what I think we are doing, I don't like it. I think we are talking about setting up a bill which we did not see fit to provide any money for in this session and it is something that I just definitely don't approve of. And I am

going to make a motion that this bill and all its accompanying papers be indefinitely postponed and then I think we will all know where we are.

The SPEAKER: The gentleman's motion is not in order at this time. The only pending question is the indefinite postponement of House Amendment "A" to Senate Amendment "B".

The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: In both of these amendments under section 3100, section on State Policy on Welfare, section 1 states, "Persons in need. That its social welfare program shall provide assistance, care and service to the persons of the State in need thereof and thereby promote the well-being of all the people of the State;"

It so happens that in one of the northern towns that I represent, two ladies who have yellow lights on their porches were drawing ADC. It is well known that the crop originate every nine months and the check was increased every nine months. A lady of good reputation in that community wrote to the department as she was very concerned. Needless to say, she received a letter back saying that the department was very glad for her concern, and both checks would be increased.

During the last several weeks I have been working on a case. A gentleman age 55, who has been in and out of the Thayer Hospital in Waterville, several doctors have stated he is totally disabled and he is unable to draw social security through some complication. He made out a welfare request which I gave him. This was reviewed by this department, it was refused because there was too much income in the family. I would like to state that this gentleman lives with his wife. Their income last week was \$10.80 and the previous week was \$48.

Now I think that if we are going to pass bills and raise money or not raise money, we have got to establish a policy of where this money goes and who the recipients are going to be.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am somewhat amazed at the gentleman from Perham, Mr. Bragdon. There are those who think that that jacket of his has gone to his head. I wouldn't say that, I just heard it. In any event, Mr. Speaker, I think I spoke on this L. D. 918 at great length when it first came before our body. My thinking at the time that it was a very expensive package, it was the thought of many concerned that this package, to become fully into law, would be somewhere around the area of 1976. I think the strides that were taken, however dissatisfying to some, indicated that the final passage of this measure at least could be cut down at least two years.

In any event, the reason that I moved the indefinite postponement of this amendment is so that we can reconsider the indefinite postponement of the previous amendment, where some of us were very obviously asleep, so that we can put this Senate Amendment back in its proper perspective. In that I spoke very strongly on L. D. 918, when I read the test measure here has a price tag of \$245,000, that we can generate \$313,000 within it from federal funds, and that it means that if you don't, in one area it's going to cost us as much money anyway, the way I read the bill, because a sum of this money would go for the Aid of Unemployed Fathers. If they don't get the money one way, they will get it another. At least we are in control of this area. Another amount of money that is part of the bill, \$100,000 of it, means \$100,000 which generates federal funds for the hungry, and as far as I am concerned the item is very very small and I for one don't want to be any part of going against it.

Now I can understand the first two items that are left in the Birt amendment. They mean absolutely nothing because they read that the amendment would first provide a

statement of policy as a guideline and next the amendment removes the responsibility of grandparents and grandchildren to support of indigent persons, and also eliminates the term pauper in this section. So I mean I don't think that is important at all and certainly, regardless of how I spoke in the first instance where it cut out millions of dollars out of this measure, I certainly hope that we will go along with indefinitely postponing this amendment so we can reconsider and pass Senate Amendment "A".

I think certainly if you look over all the measures that we are passing today, and certainly if you look over the L. D. involving itself in Part II which I am going to support, certainly you would understand that it would mean that this measure here certainly has a right to wind up on the Senate Appropriations Calendar. It can be divided in two, and it can be cut up, deleted in any way you want to. At least it will indicate somewhere along the line that we do care.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: In support of the gentleman from East Millinocket, Mr. Birt, I want to point out to those of you who have serious doubts, as my friend from Perham, Mr. Bragdon does about statements of policy that allegedly don't cost anything, we have all, many of us at least, have seen little old innocuous, inoffensive statement of policy that ended up putting us in the pot for millions of dollars, and this is the reason why I don't think this amendment does what Mr. Bragdon thinks it does.

The Birt amendment deletes this seemingly innocuous, inoffensive statement of policy which I say would commit us in good faith to subsequently fund a whole new view, a whole new approach to the problem of welfare, welfare recipients and administration and I don't like the statement of policy. I have been prevailed upon by a

dear friend in the other body, but his protestations and persuasiveness have not carried today. I think that statement of policy should go out. All the Birt amendment does is delete from the liability of the relatives section of the present law the grandparents and it also removes the term pauper. In that sense, I think it is direct legislation on perhaps not a very significant level, but at least it is a direct effort to correct some of the deficiencies in our present law. Now if we go beyond that, yellow sport jackets to the contrary notwithstanding, we are getting ourselves into a statement of policy that is going to cost us hundreds of thousands of dollars in the long run. It is for this reason that I hope that we will support Mr. Birt.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I listened very attentively to the remarks of our Honorable Floor-leader. I have one request to make of him, if the time ever comes when I can make my motion to indefinitely postpone this whole bill, I will try it again if he will give me the high sign — jacket or no jacket.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: We defeated this bill the other day and I thought we had seen the last of it. I made quite a study of the original bill. I realize that the Task Force produced tremendous work, but I am unalterably against expanding welfare any more than we have done it. I am against welfare control at the state level any more than is being done. I guess perhaps I am getting a little bit bitter on the trend towards the profession of welfare reciprocity which I see everywhere I turn.

It seems to me that this legislation fosters and abets that trend. It may generate federal dollars. That is another term which to me is beginning to get very distasteful, that we must do

this because it generates so many federal dollars. I am getting so that my constituency back home, when I mention bills, they say, "Why did they pass that? How many federal dollars does that bring us?"

Again, I am in complete agreement with Mr. Bragdon. I don't know what the machinery is for putting this bill back where it was, but when that time comes I will be right with Mr. Bragdon on it.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I would like to point out that Franklin County is a very fine county to live in, but we do have a lot of good glaring examples which this material here is subsidizing and the gentleman from Lewiston, Mr. Jalbert, mentioned, the unemployed fathers. This brought to mind the three unemployed fathers, two of which are common law fathers and one who is a divorced father who has a housekeeper who is ADC with five dependents and I guarantee you this afternoon, if you go up into Franklin County, probably these three unemployed fathers would be out fishing. At the present time, I am spending my time down here and my wife is having to stay home and run my business.

Mrs. Wheeler of Portland requested that the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Portland, Mrs. Wheeler, moves that when the vote is taken it be taken by the yeas and nays. 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 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 Lewiston, Mr. Jalbert that House Amendment

"A" to Senate Amendment "B" be indefinitely postponed. If you are in the favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Bedard, Berman, Bernier, Binnette, Bourgoin, Buckley, Burnham, Carter, Casey, Corson, Crommett, Croteau, Curran, Dri-gotas, Dyar, Fortier, A. J.; Fraser, Gilbert, Huber, Jalbert, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, LePage, Levesque, McKin-non, McTeague, Meisner, Mitchell, Morgan, Mosher, Nadeau, Ouel-lette, Ross, Starbird, Temple, Vin-cent, Watson, Waxman, Wheeler, White.

NAY — Allen, Barnes, Benson, Birt, Bragdon, Brown, Chandler, Chick, Clark, C. H.; Clark, H. G.; Crosby, Curtis, Dam, Dennett, Donaghy, Durgin, Erickson, Farn-ham, Fecteau, Finemore, Gauthier, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Hen-ley, Heselton, Hewes, Hichens, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstal-ler, McNally, Mills, Moreshead, Noyes, Page, Payson, Pratt, Quim-by, Rand, Richardson, G. A.; Rich-ardson, H. L.; Sahagian, Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Tyndale, Wight, Wood.

ABSENT — Baker, Boudreau, Brennan, Bunker, Carey, Carrier, Coffey, Cote, Cottrell, Couture, Cox, Cummings, Cushing, D'Alfon-so, Danton, Dudley, Emery, Eustis, Evans, Faucher, Fortier, M.; Fos-ter, Giroux, Hunter, Jameson, Ju-tras, Leibowitz, Marquis, Martin, Millett, Norris, Porter, Ricker, Rideout, Rocheleau, Santoro, Scott, C. F.; Sheltra, Soulas, Tanguay, Williams.

Yes, 44; No, 65; Absent, 41.

The SPEAKER: Forty-four hav-ing voted in the affirmative and sixty-five in the negative, the mo-tion does not prevail.

Thereupon, House Amendment "A" to Senate Amendment "B" was adopted. Senate Amendment "B" as amended by House Amend-ment "A" thereto was adopted.

The SPEAKER: The Chair rec-ognizes the gentleman from Lewis-  
ton, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, is my motion now in order to re-consider the indefinite postpone-ment of Senate Amendment "A"?

The SPEAKER: The Chair would advise the gentleman that the House Amendment "B" has been amended by House Amendment "A".

Mr. JALBERT: I am talking about Senate Amendment "A".

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert now moves, the Chair understands, that the gentleman moves that the House reconsider its action where-by Senate Amendment "B" as amended by House Amendment "A" was adopted. Is this the pleasure of the House?

Whereupon, Mr. Birt of East Millinocket requested a vote on the motion.

The SPEAKER: The Chair rec-ognizes the gentleman from Lewis-  
ton, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move that this item lie on the table until tomorrow.

Whereupon, Mr. Birt of East Millinocket requested a vote on the motion.

The SPEAKER: The Chair rec-ognizes the gentleman from Lew-  
iston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move that we adjourn until nine tomorrow morning.

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

Mr. Jalbert of Lewiston re-quested a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members pres-ent and voting. All members de-siring 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 Lewiston, Mr. Jalbert that the House adjourn until nine o'clock tomorrow morning. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

**ROLL CALL**

YEA — Bedard, Berman, Binnette, Bourgoin, Burnham, Carter, Casey, Crommett, Croteau, Curran, Dam, Drigotas, Fecteau, Fortier, A. J.; Fraser, Gauthier, Gilbert, Jalbert, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, McKinnon, McTeague, Mills, Mitchell, Morgan, Mosher, Nadeau, Ouellette, Rand, Starbird, Temple, Vincent, Watson, Waxman, Wheeler, White.

NAY—Allen, Benson, Bernier, Birt, Bragdon, Brown, Buckley, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Curtis, Dennett, Donaghy, Durgin, Dyar, Erickson, Farnham, Finemore, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, McNally, Meisner, Moreshead, Noyes, Page, Payson, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Tyndale, Wight, Wood.

ABSENT—Baker, Barnes, Boudreau, Brennan, Bunker, Carey, Carrier, Coffey, Cote, Cottrell, Couture, Cox, Cummings, Cushing, D'Alonso, Danton, Dudley, Emery, Eustis, Evans, Faucher, Fortier, M.; Foster, Giroux, Hunter, Jameson, Jutras, Marquis, Martin, Millett, Norris, Porter, Ricker, Rocheleau, Santoro, Scott, C. F.; Sheltra, Soulas, Tanguay, Williams.

Yes, 43; No, 67; Absent, 40.

The SPEAKER: Forty - three having voted in the affirmative and sixty-seven in the negative, the motion does not prevail.

Mr. JALBERT: Mr. Speaker, I now move the indefinite postponement of this bill and its accompanying papers.

Whereupon, Mrs. Wheeler of Portland requested the yeas and nays.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I now move that we adjourn until ninety-three tomorrow morning.

The SPEAKER: The Chair would advise the gentleman that the pending question is out of order.

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

Mr. BRAGDON: Mr. Speaker, I rise to concur with the gentleman from Lewiston, Mr. Jalbert, that this bill and all its accompanying papers be indefinitely postponed. This bill as it came in to the Legislature if it had been passed in its entirety required the employment of some 50 or 60 new personnel and this was considered in the Appropriations Committee and we voted unanimously against it. Again I say I do not favor setting up this welfare thing at the state level until we are ready to buy it and finance it. We were not ready to do that and I go along with the motion of the gentleman from Lewiston, Mr. Jalbert that this bill and all its accompanying papers be indefinitely postponed at this time.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: Up until a few minutes ago I was quite confused over this bill but since Mr. Jalbert has made the motion to indefinitely postpone it, I shall vote for the indefinite postponement also.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think a great many people like Mr. Dam, the gentleman from Skowhegan, are confused. After I make my remarks I am going to ask if any member of this House would again, including the gentleman from Cumberland, Mr. Richardson, again try to make a motion either to table this measure or for us to adjourn.

Now I am not confused in one area and it is this area, that whether or not the unemployed father is out fishing doesn't concern me at all, whether or not the five children that are on the banks of the river or the lake are hungry concerns me a great deal. Now this is a very minor compromise to L. D. 918 which had a great price tag on it and as far as I am concerned wherein it involves itself with such a paltry sum I want no part of seeing that we are going to have more people working on the Planning Board; we are going to give people who make \$600 a week the \$9 a week increase; we are going to supply a new Arts and Humanities building; but we are going to refuse to let an item of \$100,00 and \$145,000 go to the Appropriations table to be part of the parcel when on the night of the final adjournment the money is distributed out of the funds that we have for L. D's.

Now if we add it all up here I can stand here on my own measure, my own bill and I can see \$600,000 chopped off in my own area at home for an airport where two thirds of the entire population within a radius of thirty miles lives, where three quarters of the manufacturing in Maine is, where we are the third largest shoe center in the country, the fourth largest shoe center in the world, where the styles of our shoes changes with the flight of an airplane; and I go along with this bill and I go along with the strike-out of this bill, this amendment.

I voted finally to keep the Naval and Military School in Bath open, which has a price tag of nearly \$4,000 per child whereas the same children, the thousands who are in foster homes outside of the Naval and Military School have the price tag of \$700, almost six times less money.

Now as far as I am concerned, believe you me, I am going to stick and stay with items like this. I don't want to go home, saying I am going to vote for \$40 million worth of items but I am going to refuse to let a \$100,000 item for food for youngsters or \$145,000 to feed the children of bums, if they may be called so, but I am not

going to take it out of the mouths of the children.

Mr. Speaker, the only reason I made the motion to indefinitely postpone was certainly a parliamentary procedure because I shall vote against my own motion and unless the motion is made to adjourn, I shall then turn around and pull out whatever parliamentary procedure I might have learned in twenty-four years to put this bill back where I want it. When the vote is taken I move it be taken by the yeas and nays if the motion has not been made.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Wearing Mr. Bragdon's jacket hasn't changed my attitude toward the bill. As the gentleman from Lewiston well knows because of his many years of experience in the House, all of which we know about and recognize and appreciate, we are now in a non-concurrent status on this bill with the amendment that survived the attempt to kill it and the bill will be back here, I am sure, in a non-concurrent status and it is before us.

Now I can't conceive why we should at this point indefinitely postpone this bill. And hearing the gentleman from Lewiston, Mr. Jalbert indicate that he is going to vote against his own motion, I suppose raises an interesting parliamentary question of whether or not the motion still has any validity to it. I would urge you to vote against indefinite postponement, to allow the bill to go to the Senate in its present form and there are many many more steps in this trail, and I hope that we will eventually be able to work out a solution to the problem.

I don't think any of us out of a fit of pique should attack a basically sound bill simply because we may have some motive that doesn't have anything to do with the bill itself. I don't think it is responsible legislation. Let's send the bill to the Senate and it will come back here and we can resume this interesting discussion then.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Cumberland, Mr. Richardson in his remarks, if I heard him correctly, made the statement that the Birt amendment would put the measure in order for subsequent funds. Well I don't personally, and if the gentleman will, I am willing to have the House recess for a minute, so he can have the court stenographer refresh that remark. As far as I am concerned I want to pay for what I buy now and the Birt amendment strikes out any money from this bill whether it goes back to the other body or not, and so that if we go back to the other body I am sure the gentleman from Cumberland, Mr. Richardson is knowledgeable enough to know what an adherence motion would do over there, and I hope and urge you, somebody to make a motion either to table this bill or move to adjourn, unless there is a rule that says nobody else but one or two can move to adjourn.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I think the sun on the outside has probably warmed the air not only outside but also inside this afternoon. Seeing by the clock it is now past twenty minutes of six and you can almost tell by the clock the temperament of the House members this afternoon. I think probably in the heat of the debate, in the heat of trying to arrive at compromises, in the heat of trying to adjourn a session we might have the tendency of being other than rational.

Getting back to this document this afternoon as the gentleman from Lewiston, Mr. Jalbert has indicated he will vote against the motion to indefinitely postpone which he made. I hope sincerely that the members of the House will vote against the motion to indefinitely postpone this afternoon for the simple reason that these mem-

bers of the House of Representatives here assembled in the 104th Legislature choose to complain, choose to bring out a few points that a certain father is not helping bring up the family that he has put in this world, by trying to change the laws that affect these fathers that are supposedly abusing the welfare laws of our state, these same people by ignoring the fact that there are some difficulties that are not, and I repeat, these difficulties are not the problems of the youngsters themselves. They were not asked to be brought in this world not by any measure.

There may be some area that we should help. In this L. D. 918 there is an area that we may be able to help some of these youngsters or some of these families that are not as fortunate as we may be. But we are not going to accomplish that if we stick our heads in the sand and say, "we have got a problem in my area or this area or that area, that somebody is abusing it." Laws are made by man and they can be corrected by man and I suggest that instead of criticizing, these few that are abusing it if it is known that they are abusing it, laws can be made to correct it.

L. D. 918 is just one of these documents and I hope that if we are going to have hungry people in this state or in this country the members of this House will try to correct these and hope that we can avoid anybody in our state from going hungry.

So therefore I would sincerely hope that the members of this House will not indefinitely postpone this bill, to leave it open for possible amendments for those that feel that there is in certain areas abuses that should be corrected. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker, I would like to pose a question through the Chair to Mr. Birt of East Millinocket. In his amendment, House Amendment "A", has the money part of the bill under the AFDC program and the food program been eliminated?

The SPEAKER: The gentleman from Portland, Mrs. Wheeler poses a question through the Chair to the gentleman from East Millinocket, Mr. Birt, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. BIRT: Mr. Speaker, Senate Amendment "A" to Senate Amendment "B" was the amendment that had the money on it and that was indefinitely postponed.

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

Mr. BINNETTE: Mr. Speaker, I would like to table this measure for another legislative day.

Whereupon, Mr. Birt of East Millinocket requested a vote.

The SPEAKER: The gentleman from Old Town, Mr. Binnette moves that this item be tabled until tomorrow pending passage to be engrossed. A vote has been requested on the tabling motion. All in favor of this matter being tabled until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 47 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

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 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 this bill be indefinitely postponed as amended. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Bedard, Benson, Bragdon, Clark, H. G.; Crosby, Curtis, Dennett, Donaghy, Dyar, Farnham, Finemore, Hall, Hardy, Harriman, Henley, Huber, Immonen, Kelley, K. F.; Lee, Lincoln, Moreshead,

Nadeau, Page, Quimby, Rand, Richardson, G. A.; Snow, Trask, Wight.

NAY — Allen, Berman, Bernier, Binnette, Birt, Bourgoin, Brown, Buckley, Burnham, Carter, Casey, Chandler, Clark, C. H.; Corson, Crommett, Croteau, Curran, Dam, Drigotas, Erickson, Eustis, Fec-teau, Fortier, A. J.; Fraser, Gilbert, Good, Hanson, Haskell, Hawkens, Heselton, Hewes, Hichens, Jalbert, Johnston, Kelleher, Kelley, R. P.; Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lewis, Lund, MacPhail, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Mills, Mitchell, Morgan, Mosher, Noyes, Ouellette, Payson, Porter, Pratt, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, G. W.; Shaw, Starbird, Stillings, Temple, Thompson, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Wood.

ABSENT — Baker, Barnes, Boudreau, Brennan, Bunker, Carey, Carrier, Chick, Coffey, Cote, Cottrell, Couture, Cox, Cummings, Cushing, D'Alfonso, Danton, Dudley, Durgin, Emery, Evans, Faucher, Fortier, M.; Foster, Gauthier, Giroux, Hunter, Jameson, Jutras, Keyte, Marquis, Millett, Norris, Ricker, Rocheleau, Santoro, Scott, C. F.; Sheltra, Soulas, Susi, Tanguay, Williams.

Yes, 29; No, 79; Absent, 42.

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

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

Mr. JALBERT: Mr. Speaker, I now move this item lie on the table until tomorrow.

Whereupon, Mr. Birt of East Millinocket requested a vote.

Mr. Jalbert of Lewiston then requested a roll call.

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

Mr. RICHARDSON: A parliamentary inquiry, Mr. Speaker, as to whether or not the tabling motion is in order, no intervening motion having been made, although we did take the roll call which had been requested prior to the time that the tabling motion was made

by the gentleman from Old Town, Mr. Binnette.

The SPEAKER: The Chair rules that there has been intervening action and an indefinite postponement having been lost the Chair entertains the motion to table.

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 on the tabling motion 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 Bill "An Act relating to Welfare Assistance," House Paper 687, L. D. 918, as amended, be tabled until tomorrow pending passage to be engrossed. All in favor of tabling will vote yes; those opposed will vote no. The Chair opens the vote.

**ROLL CALL**

YEA — Bedard, Berman, Binnette, Bourgoin, Buckley, Burnham, Carter, Casey, Clark, H. G.; Corson, Crommett, Croteau, Curran, Dam, Drigotas, Dyar, Eustis, Fecteau, Fortier, A. J.; Fraser, Gilbert, Jalbert, Kelleher, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Martin, McKinnon, McTeague, Meisner, Mills, Mitchell, Morgan, Noyes, Ouellette, Rand, Snow, Starbird, Temple, Tyndale, Vincent, Watson, Waxman, Wheeler, White.

NAY — Allen, Benson, Bernier, Birt, Bragdon, Brown, Chandler, Clark, C. H.; Crosby, Curtis, Dennett, Donaghy, Erickson, Farnham, Finemore, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, McNally, Moreshead, Mosher, Page, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, G. W.; Shaw, Stillings, Susi, Thompson, Trask, Wight, Wood.

ABSENT — Baker, Barnes, Boudreau, Brennan, Bunker, Carey, Carrier, Chick, Coffey, Cote, Cottrell, Couture, Cox, Cummings, Cushing, D'Alfonso, Danton, Dudley, Durgin, Emery, Evans, Faucher, Fortier, M.; Foster, Gauthier, Giroux, Hunter, Jameson, Jutras, Keyte, Marquis, Millett, Nadeau, Norris, Ricker, Rocheleau, Santoro, Scott, C. F.; Sheltra, Soulas, Tanguay, Williams. Yes, 48; No, 59; Absent, 42.

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

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "B" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

A d j o u r n e d until nine-thirty o'clock tomorrow morning.