

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

Thursday, June 12, 1969

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

Prayer by the Rev. Mr. John W. Meisner of Dover - Foxcroft.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Installation of Sprinkler Systems in Hotels" (H. P. 260) (L. D. 336) reporting that the House recede from passage to be engrossed and from adoption of House Amendment "B"; that the House indefinitely postpone House Amendment "B" and pass the Bill to be engrossed as amended by Committee Amendment "A" and House Amendment "A"; that the Senate recede and concur with the House.

(Signed)

LEWIN of Augusta
 SCOTT of Wilton
 BOUDREAU of Portland
 —Committee on part of House.
 LOGAN of York
 BERRY of Cumberland
 BOISVERT
 of Androscoggin

—Committee on part of Senate.

The Report was read and accepted and sent up for concurrence.

The House voted to recede from passage to be engrossed and from adoption of House Amendment "B". House Amendment "B" was indefinitely postponed.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

Papers from the Senate

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Eating Place Licensing Law" (S. P. 220) (L. D. 668) reporting that they are unable to agree.

(Signed)

STUART of Cumberland
 MINKOWSKY
 of Androscoggin
 GREELEY of Waldo
 —Committee on part of Senate.
 SOULAS of Bangor
 BENSON

of Southwest Harbor
 —Committee on part of House.
 Came from the Senate read and accepted.

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Eleventh District Court, Northern Androscoggin Division" (S. P. 169) (L. D. 543) which was recommitted, reporting same in a new draft (S. P. 468) (L. D. 1526) under title of "An Act relating to Jurisdiction and Judicial Divisions of the District Court" and that it "Ought to pass"

Report was signed by the following members:

Messrs. QUINN of Penobscot
 VIOLETTE of Aroostook
 MILLS of Franklin
 —of the Senate.
 Messrs. DANTON of
 Old Orchard Beach
 BERMAN of Houlton
 BRENNAN of Portland
 FOSTER

of Mechanic Falls
 HEWES of Cape Elizabeth
 HESELTON of Gardiner
 —of the House.

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

Report was signed by the following member:

Mr. MORESHEAD of Augusta
 —of the House.

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

In the House: Reports were read.

On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought to pass" Report was accepted in concurrence. The Bill was given its two several readings and tomorrow assigned.

Final Report

Final Report of the following Joint Standing Committee:

Towns and Counties
Came from the Senate read and accepted.

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

Non-Concurrent Matter

An Act to Correct Errors and Inconsistencies in the Public Laws Relative to Sea and Shore Fisheries (S. P. 71) (L. D. 193) which was passed to be enacted in the House on May 2 and passed to be engrossed as amended by Committee Amendment "A" on April 30.

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

In the House: The House voted to recede and concur with the Senate.

Non-Concurrent Matter

Report "A" of the Committee on Public Utilities on Bill "An Act Creating the Maine Power Commission" (S. P. 351) (L. D. 1217) reporting same in a new draft (S. P. 471) (L. D. 1536) under same title and that it "Ought to pass" and Report "B" reporting "Ought not to pass" on which Report "B" was accepted in non-concurrence in the House on June 10.

Came from the Senate with that body voting to insist on its former action whereby Report "A" was accepted and the Bill passed to be engrossed.

In the House:

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

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

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

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

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that the House insist and request a Committee of Conference.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I would oppose this motion. The other day we had a lengthy debate on this bill and we seemed to settle it pretty well then. I hate to have to take time this morning to debate this thing all over again. I would ask for a division on this motion.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House insist and join in a Committee of Conference. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

47 voted in the affirmative and 59 voted in the negative.

Thereupon, Mr. Martin of Eagle Lake requested the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, requests 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.

More than one fifth having expressed the desire for a roll call vote, a roll call was ordered.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I agree with the gentleman from Hodgdon, Mr. Williams, that this was adequately debated two days ago. It was for that reason I made the motion to insist and ask for a Committee of Conference and I did so for the following reasons.

As you may or may not know, for the past two and a half months, negotiations have been going on with the power utilities of this state with representatives of the New Brunswick Power Commission in relationship to the transmission line which is being constructed by the Maine Utilities at a cost of \$18 million from Fredericton, New Brunswick to Wiscasset. At that

time it was agreed by the utilities, Bangor Hydro, Central Maine Power and Maine Public Service that negotiations would be made on all matters including the Maine Power Commission bill.

A number of changes were made in the bill with the approval of the companies in question. However, it now appears there still remains some questions as to whether or not they are willing to approve of such a bill, even if all of the objections are to be removed. But it is my thinking that perhaps something could be worked out before we get out of here and it is for that reason that I thought probably that we could go to a Committee of Conference and if obviously no one agrees we are not going to get anywhere, because I certainly would not be a member of that Committee of Conference since I was not on the prevailing side two days ago, and so I would ask the members to vote to insist and vote yes and then we could join in a Committee of Conference with members of the other body.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: Like the other speakers, I don't want to get into a Japanese rain dance on this this morning either, but I do oppose Mr. Martin's motion and I hope you will vote against the motion to insist so we can get to Mr. Williams' motion to adhere.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Like many other points of disagreement between this branch and the other branch this morning, I think it may be wise for the House of Representatives to ask for a Committee of Conference if for no other reason to find out if there is any possible avenues between this branch and the other branch that may be acceptable to the Legislature. And this has been done on several instances that there was serious disagreement between both branches, and I think the only thing

that we can hope that the House will do this morning is vote to insist and join a Committee of Conference with the hope that there may be parts of it that will be salvaged if there is a possible avenue of agreement. And that is the only thing that we ask this morning if there could be a possible way of agreement between both branches in solving this problem, then I hope that the members of the House will join in the motion to insist and request a Committee of Conference. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin that the House insist and ask for a Committee of Conference. The yeas and nays have been ordered. All in favor of insisting and asking for a Committee of Conference will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA -- Allen, Baker, Bedard, Berman Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Chandler, Cote, Cottrell, Couture, Crommett, Croteau, Curran, Curtis, D'Alfonso, Drigotas, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Fraser, Gauthier, Giroux, Huber, Hunter, Jalbert, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Ouellette, Ricker, Rocheleau, Sheltra, Starbird, Tanguay, Temple, Vincent, Waxman, Wheeler.

NAY -- Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Cushing, Dennett, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Foster, Good, Hanson, Hardy, Harriman, Haskell, Hawken, Henley, Heselton, Hewes, Hichens, Immonen, Jamenson, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marsteller, McNally, Meisner, Millett, Moreshead, Mosher, Noyes, Page, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott,

C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Williams, Wood.

ABSENT — Coffey, Cox, Dam, Danton, Fortier, M.; Gilbert, Hall, Jutras, Norris, Payson, Santoro, Soulas, Watson.

Yes, 62; No. 75; Absent 13.

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I honestly know that there is no point in further debating this but I do want to make a few comments in general. I certainly hope that the public utility companies of this state will not take this vote as a basis for further increasing rates, for further getting the citizens of this state in a position where they have to be the highest in the country to pay for electrical cost for the manufacturing of goods and for their own lights at home.

In debate two days ago the gentleman from Manchester, Mr. Rideout said that it was not New England that had the highest rates in the country but the middle Atlantic states. I don't know where the gentleman got his information, but all I know is that I have a book in front of me which says that the middle Atlantic states are 27 per cent above the U. S. average as far as power in this country. But let me point out to you that New England stands 66 per cent above the rest of the country and so if you do quick subtraction you find that this is roughly 40 per cent higher than the middle Atlantic states.

I certainly hope that the utilities of the State of Maine, the three utilities, major utilities of course, Maine Public, Central Maine Power and Bangor Hydro will see fit in the days ahead to work on more efficient units of power production in this state, that they will work on nuclear development so that at least 50% of it or more will stay in the State of Maine

and not half of it will be going outside of the state. I certainly hope that the utilities will work on transmitting public power, I might add from a public producing source in New Brunswick to the states of Massachusetts and Connecticut so that we could end up with more than 26,000 kilowatts of power out of 300,000 kilowatts.

There is a great deal of improvement that can be done and so even though I realize that I am beaten I certainly hope that the utilities of this state will not take it upon themselves as having felt that they have received a mandate from the Legislature or from the House of Representatives today and that they will work for the future development of lowering the cost of electrical power in this state.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly this morning I would like to point out that in the debate of this item a few short days ago it was pointed out to the members of the House that the utilities of Maine had reduced the rates in certain categories to the tune of 4 or \$5 million in the last few years. Granted this has happened but those rates, ladies and gentlemen, let me tell you should have been not reduced but they never should have been charged in the first place, and the only reason that the rates were reduced in the last few years is because of the pressure from the general public and from the people that are using electricity in this State of Maine of trying to consolidate the philosophies and concepts of public and private power.

Never let it go unforgotten that the rates were reduced because of the pressure of public power in Maine and not on their own volition. The utilities continuously have been overcharging the people of Maine for electricity and yet when the time comes that they say that they are reducing their rates they are reducing their rates only for the sole purpose that there is pressure added on to them to reduce the rates because of public power being in the forefront.

So let it be known to you, ladies and gentlemen of the House this morning, that this is the kind of private power that we have in the State of Maine and it is high time that the people of Maine realized a better and just rate for their electricity that they are using, and I think the only way that this will be accomplished of reducing the power rates in Maine is by having joint concepts of public and private power in Maine. Thank you.

Thereupon, the House voted to adhere.

Non-Concurrent Matter

An Act Altering Formula for Retirement under State Retirement System (S. P. 480) (L. D. 1558) which was passed to be enacted in the House on June 9 and passed to be engrossed on June 5.

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

In the House: On motion of Mr. Meisner of Dover-Foxcroft, the House voted to recede and concur.

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

Bill "An Act relating to Charitable Organization's Immunity in Civil Actions" (H. P. 558) (L. D. 739) on which the House accepted Report "A" of the Committee on Judiciary and passed the Bill to be engrossed on June 11.

Came from the Senate with Report "B" reporting "Ought not to pass" accepted in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Revising the Maine State Personnel Laws" (H. P. 1048) (L. D. 1376) which was passed to be engrossed as amended by Committee Amendment "A" in the House on June 6.

Came from the Sente indefinitely postponed in non - concurrence.

In the House:

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

Mr. JALBERT: Mr. Speaker, I move that we insist.

Whereupon, Mr. Donaghy of Lubec requested a vote on the motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert moves that the House insist on its former action. A vote has been requested on the motion to insist. All in favor of insisting will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

63 having voted in the affirmative and 46 having voted in the negative, the motion to insist did prevail.

Non-Concurrent Matter

Bill "An Act Increasing Certain Fish and Game Fines" (H. P. 1204) (L. D. 1531) on which the House insisted on June 10 on its former action whereby the Bill was passed to be engrossed as amended by House Amendments "D" and "E".

Came from the Senate with that body voting to insist on its former action whereby the Bill was indefinitely postponed in non - concurrence, and asking for a Committee of Conference.

In the House: On motion of Mr. Lewin of Augusta, the House voted to insist and join in a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Increasing the Gasoline Tax" (H. P. 1217) (L. D. 1549) which was passed to be engrossed as amended by House Amendment "A" in the House on May 28.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed in non - concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Pittsfield, Mr. Susi moves that the House recede and concur.

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

Mr. RIDEOUT: Mr. Speaker, Ladies and Gentlemen of the House: I will endeavor to be very brief because this has been fully debated before. I obviously oppose the motion of the gentleman from Pittsfield, Mr. Susi.

To give you a better idea of how unreasonable and out-of-line with the rest of the nation a two-cent gas tax increase would be, consider this:

Washington State is the only state now taxing gasoline at nine cents a gallon. North Carolina and Florida are the only two states besides Maine even considering an increase to nine cents a gallon.

Ten states have approved increases of one or two cents, but none of them have gone beyond the eight-cent mark. As a matter of fact, eight of those ten states approving increases were jumping the rate only up to seven cents per gallon.

In the 11 states where gas tax increases are pending in legislative halls, all but two of the states are talking about hikes up to six, seven or eight cents per gallon, and as I said before, North Carolina and Florida are the only two states even thinking about going to nine.

Gas tax hikes up to seven and eight cents a gallon have already been rejected in eight states, including nearby New Hampshire, and reductions in the motor fuel tax rate are pending in Washington and Hawaii.

We recently learned from the Director of Public Works in Massachusetts that their 6½ cent gas tax will remain as is for at least another fiscal year, and possibly longer.

Although many members of this House are opposed to any increase at all in the gas tax, others of us realize that a one-cent tax hike is necessary to help finance our road-building program. I ask you to vote with me in holding the line for moderate progress at an increase of one-cent per gallon tax. One cent is enough. I submit that the estimates, as Mr. Dudley so ably indicated the other day, could be increased by another million and a half and that the differences in the totals might cause

the department to tighten its belt and spend the funds more expeditiously on roads. Ladies and gentlemen, one cent is enough.

If you will vote with me to defeat the motion to recede and concur, I would follow it up with a motion to insist which would leave House Amendment "A" on the bill and provide for a one-cent gas tax.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Just two or three days ago I made a statement that if we killed the L.D. 413, which is the registration tax, that I would be willing to go along with these other taxes to make up what the Highway needed. Therefore I hope we go along with the motion to recede and concur made by the gentleman from Pittsfield, Mr. Susi.

I might add here that in this we are getting the out-of-state people, the tourists and people who are using the roads in a better way than any other way we can get the tax for the roads. I might also say and advise Mr. Rideout from Manchester that New Brunswick at the present time has a 20-cent gasoline tax.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel as though this bill has been so ably debated that we don't need to discuss it a great deal further since time is of the essence this morning. I would like to point out just one thing, one or two things on this being this: If we vote for Mr. Susi's motion we are in a sense voting for a two-cent gas tax. This I don't think we should do. I for one am one of those who absolutely would go along with no tax at all, but I thought it was a fair compromise to vote for a one-cent gas tax increase.

Now let me point out to some of you that take the Portland paper, if you read it this morning, this has even come as a surprise to me. "State gas income from gas tax up one million ahead of

1968. Already this year, the tourists haven't started, it is up one million already.

I checked this morning and the latest figures I could get on highway surplus is \$44 million. Of course some of that is expended surplus you understand that. But \$2,038,000 as of the end of April was unexpended surplus and the Highway account was \$2,038,000. I now think, after this come out in the paper this morning, that we will have well over \$2 million and we could up the estimates at least \$2 million in Highway revenue. This being the case, if we vote for a one cent gas tax, that gives them \$4½ million this year, next year, and every year thereafter, as long as there is highways in the State of Maine.

Now you give them that — and there is new taxes coming in by virtue of extra traffic with two cars in every family and sometimes more — I think we are doing a great justice to this department by giving them this much money, and this certainly should take care of any increased costs in economy and so forth. And I don't think we can go too fast, we get out of the line with the people we are representing, and I do hope that you will vote against the motion of the gentleman from Pittsfield, Mr. Susi.

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

Mr. SUSI: Several times in the discussion of this there has been talk about revenue being over the estimates by one or two million just as though this were a solution. We are talking about a need in the range of \$25 or \$30 million and it is almost incidental whether the revenue is exceeding estimates by a million or two.

The opposition also talks about everybody else's business and how they are handling it. I think we should concern ourselves here now with our own business and what our own problems are and how we are going to handle them. I don't believe that we can validly compare the problems of Maine which has certain unique situations here with other states that are in all together different situations.

This tax that we are considering is an equitable tax. It is directly related to the number of miles travelled and the weight of the traffic on the roads. You don't ride, you don't pay. And as I have stressed so much in previous argument on this, this does to an extent get us away from this "fly now pay later scheme" which is so appealing to so many. Maine is fortunate to this extent.

For an increasing proportion of each year, we are getting an increasing percentage of our highway travel by visitors to our state who share to a great extent in the burden of this tax. I think this is a real advantage to us. A need for this additional revenue has been clearly established. The need is now. We have refused passage on increasing registration fees, which was our only alternative tax source available to us for highway purposes. I sincerely hope that you will support my motion to recede and concur.

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

Mr. PORTER: I think it is a bit unfair to compare Maine with some of the other states in their gas tax. There are two features that I think contribute to the cost of the roads in Maine. When you start to compare Maine with Connecticut, for instance, we have very few inhabitants per mile of roads where Connecticut has a great number of inhabitants per mile of road. Therefore, they are incomparable.

Another reason, Maine geographically is located in the snow belt, and we must spend more money to rid these roads of the snow. For those two reasons I think it is unfair to compare Maine with some of these other states.

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

Mr. FARNHAM: I didn't intend to get into this debate because what I know about the Highway budget you could put in a nut shell, but it seems strange to me that the two most vociferous opponents of the two cent gas tax live on top of 95, so when they want to go somewhere they have got a road

to go on. Now for the last seven or eight years or maybe more a great part of the state's money has been funneled into contributing its ten percent share of building 95 and the rest of the state has been neglected.

I would like to take you with me on a trip to Squaw Mountain in January or February over the road from Bangor to Greenville where you have got 35 miles of road, where if you don't have your seat belt on, you don't get there. Now I point out to you that Greenville is one of the greatest of Maine's natural tourist attractions and it is not just a summer attraction because since the development of the Great Ski area there it is a great year round tourist center.

I would like to take you with John Martin when he goes home to Eagle Lake weekends. He gets off 95, he has ridden in comfort for 100 odd miles, and he gets off at either Patten or Smyrna and heads up Route 11 and he has to travel over several miles of corduroy to get home, a road that hasn't been touched in thirty years. When he does get home and settles down and gets the shakes out of him, he goes up to Fort Kent to see some of his constituents and he has to travel through a snake alley that has killed many people over the years.

Let's start to Vanceboro, one of the tourist routes to Canada and from Canada. Once you leave the Town of Lee and from there into Vanceboro, you have got the same problem — hang on to your hat and say a prayer.

Well let's go to Calais from Bangor. The direct route is Route 9, the so - called airline route, one hundred miles. Sixty miles of it not fit for a horse and wagon to travel on. So I say to you people who live on 95, think of those people throughout the state who have seen the road program go backward, backward, backward while you were given a road to ride on.

Mr. Rideout of Manchester requested the vote be taken by the yeas and nays.

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

Mr. DYAR: Mr. Speaker and Members of the House: The gentleman from Hampden, Mr. Farnham, has mentioned the Greenville area. I represent Sugarloaf and Saddleback, two of the greatest ski areas in the East and we have taken another alternative. We can't drive them in on account of the bad roads, Route 4 and 27, so we are going to attempt to fly them in.

I think the main problem that bothers me, I would be for the two cent gasoline tax if I could see less orange in state equipment, less green in highway maintenance garages and more black in highways.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I don't think you experienced lawmakers need me to stand up here and tell you what happens when you raise money by raising the revenue. Much has been said here today about the gas tax has brought in more. I hope every word of that is true, it will help us in our bond gap.

I don't think you should compare the State of Maine with these other states. Mr. Porter of Lincoln expressed that very well. Another thing is, where would we be today if we hadn't started years ago on our Interstate program and the toll road? I suspect the taxes we raised then were unpopular; I suspect they are unpopular now. I move that we go along with Mr. Susi and raise our money and reduce our bonding capacity.

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

A vote of the House was taken and more than one fifth 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 Pittsfield, Mr. Susi, that the House recede from its former action and concur with the Senate on Bill "An Act Increasing the Gasoline Tax", House Paper 1217, L. D. 1549. If you are in favor of this motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Bedard, Benson, Bernier, Birt, Bourgoin, Bragdon, Brown, Burnham, Casey, Chick, Clark, C. H.; Clark H. G.; Cottrell, Croteau, Cummings, Curran, Farnham, Fecteau, Finemore, Fortier, A. J.; Fraser, Hanson, Harriman, Haskell, Hewes, Huber, Immonen, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Leibowitz, LePage, Levesque, Lewis, Lincoln, Lund, Marstaller, Martin, McNally, McTeague, Meisner, Millett, Morgan, Nadeau, Page, Payson, Porter, Quimby, Richardson, G. A.; Richardson, H. L.; Ross, Sahagian, Scott, C. F.; Shaw, Snow, Susi, Trask, Tyndale, White, Williams, Wood.

NAY — Barnes, Berman, Binnette, Brennan, Buckley, Bunker, Carey, Carrier, Carter, Chandler, Corson, Cote, Couture, Crommett, Crosby, Curtis, Cushing, D'Alfonso, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Faucher, Gauthier, Giroux, Good, Hardy, Hawkens, Henley, Heselton, Hichens, Hunter, Jalbert, Jameson, Johnston, Kelleher, Keyte, Kilroy, Labege, Lebel, Lewin, MacPhail, Marquis, McKinnon, Mills, Mitchell, Moreshead, Noyes, Ouellette, Pratt, Rand, Ricker, Rideout, Rocheleau, Scott, G. W.; Sheltra, Starbird, Stillings, Tanguay, Temple, Thompson, Vincent, Wheeler, Wight.

ABSENT — Boudreau, Coffey, Cox, Dam, Danton, Fortier, M.; Foster, Gilbert, Hall, Jutras, Mosher, Norris, Santoro, Soulas, Watson, Waxman.

Yes, 64; No, 70; Absent, 16.

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

Thereupon, Mr. Rideout of Manchester moved that the House insist.

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

Mr. SUSI: Mr. Speaker, I move that this item be tabled until later in today's session pending the motion of the gentleman from Manchester, Mr. Rideout, that the House insist.

Whereupon, Mr. Rideout of Manchester requested a division.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled until later in today's session will vote yes; those opposed will vote no. The Chair opens the vote.

73 having voted in the affirmative and 61 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Special Order of the Day 2:30 P.M.

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1970 and June 30, 1971" (S. P. 449) (L. D. 1483) which was passed to be engrossed as amended by House Amendment "D" in non-concurrence in the House on June 5.

Came from the Senate passed to be engrossed as amended by House Amendment "D" and Senate Amendment "C" in non-concurrence.

In the House: On request of Mr. Richardson of Cumberland, by unanimous consent, was made a Special Order of the Day for 2:30 P.M. today, the question being further consideration.

Messages and Documents

The following Communication:
THE SENATE OF MAINE
Augusta

June 11, 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 Legis-

lature on Resolve, Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing. (H. P. 673) (L. D. 859)

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 Revising the General Laws Governing the Town Manager form of Government. (H. P. 900) (L. D. 1161)

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

The Communication was read and ordered placed on file.

Orders

Mrs. White of Guilford presented the following Joint Order and moved its passage:

WHEREAS, Gulf Hagas is a four and one-half mile natural canyon of astounding beauty, unaccessible except by trail, deep in the timbered woods of Piscataquis County; and

WHEREAS, this lost gorge is a vast cut in slate formations revealing 50 to 400-foot cliffs that cradle the west branch of Pleasant River in a series of spectacular falls; and

WHEREAS, This great natural attraction has been recognized by its owners, the St. Regis and Great Northern Paper Companies, and dedicated for public use and enjoyment; and

WHEREAS, a bronze plaque affixed to a boulder at Screw Auger Falls denotes acceptance and registration by the Department of Interior as one of Maine's 3 natural landmarks and further attests to its reserved status; and

WHEREAS, in full recognition of their social responsibility, coupled with a grave concern for conservation, the St. Regis and Great Northern Paper Companies will refrain from commercial harvesting of wood and continue to pay taxes on this acreage so long as it retains its present status; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the One Hundred and Fourth Legislature of

the State of Maine now assembled commend the St. Regis and Great Northern Paper Companies for their initiative in preserving the inherent beauty of Gulf Hagas and publicly recognize their outstanding leadership in strengthening the bond between public and private interests; and be it further

ORDERED, that suitable copies of this Joint Order be immediately transmitted to the St. Regis and Great Northern Paper Companies in recognition of their invaluable contribution. (H. P. 1268)

The SPEAKER: The Chair recognizes the same gentlewoman.

Mrs. WHITE: Thank you, Mr. Speaker. Members of the House: I urge you to come to Piscataquis County via Route 6 and view this beautiful and unusual formation. I have seen it only from the air and it is unusual and it is beautiful. And I assure you that for a few weeks anyway through the summer Route 6 will be accessible.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I want to congratulate the gentlewoman from Guilford, for presenting the order and I would like to tell this group a little more about this site. It happens to have been my favorite fishing stream when I still had a little bit of the mountain goat left in me, because to fish the Gulf you have got to have some goat in you. You are down in a canyon from two to four hundred feet deep. There are places where you have to jump in and swim to get from one pool to the other. And if you can get there on the roads they have in that country I would suggest all of you go up. The State has made a little park site at the old iron works where they have preserved a coke kiln and a smelter. From that point you can drive about four miles with any car if you drive slowly, and from there on it is a little walk into the gulf and Gulf Hagas, and it truly is one of Maine's beauty spots.

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

Mr. Mosher of Gorham presented the following Joint Order and moved its passage:

WHEREAS, the snowshoe hare is one of Maine's most abundant and popular game animals; and

WHEREAS, the guinea fowl or wild turkey exists in large numbers in many of the southeastern states; and

WHEREAS, the Gorham and Windham Fish and Game Club, in conjunction with clubs of southern states, under state supervision, wish to exchange rabbits for turkeys; and

WHEREAS, the question of whether a wild turkey population can be established in Maine has never been satisfactorily resolved; now, therefore, be it

ORDERED, the Senate concurring, that the Department of Inland Fisheries and Game is authorized and directed to act as the representative for the State of Maine and to supervise the accomplishment of this project. (H. P. 1269)

The Joint Order received passage and was sent up for concurrence.

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

Miss Watson from the Committee on State Government on Bill "An Act relating to the Purposes and Powers of the Maine Port Authority" (H. P. 871) (L. D. 1114) reported same in a new draft (H. P. 1265) (L. D. 1595) under same title and that it "Ought to pass"

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

Divided Report Tabled Until Later in Today's Session

Report "A" of the Committee on State Government on Bill "An Act Establishing a Human Rights Commission" (H. P. 1050) (L. D. 1384) reporting same in new draft "A" (H. P. 1262) (L. D. 1592) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington LETOURNEAU of York — of the Senate.

Mr. DENNETT of Kittery — of the House.

Report "B" of same Committee on same Bill reporting same in new draft "B" (H. P. 1263) (L. D. 1593) under title of "An Act Creating a Human Rights Act for Maine" and that it "Ought to pass"

Report was signed by the following members:

Mr. BELIVEAU of Oxford — of the Senate.

Miss WATSON of Bath

Messrs. STARBIRD of Kingman Township D'ALFONSO of Portland — of the House.

Report "C" of same Committee on same Bill reporting same in new draft "C" (H. P. 1264) (L. D. 1594) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. MARSTALLER of Freeport RIDEOUT of Manchester DONAGHY of Lubec — of the House.

Reports were read.

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

Mr. RIDEOUT: Mr. Speaker, I move we accept Report "C".

The SPEAKER: The gentleman from Manchester, Mr. Rideout, moves that the House accept Report "C".

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I rise this morning not to urge that you accept any of the three reports but to ask that someone would table this for one day so that people would have the chance to study the three reports that have come from our Committee on what I consider a very important piece of legislation.

I think that every member of the Committee had some things that he liked and some things that he disliked in each of the three reports and each has signed a report that most nearly ac-

commodated his views. And I believe that each of us on the Committee honestly believed that we should come up with some legislation in this area and I know that a great deal of work has gone into each of the three reports. So I think that they deserve careful consideration and although I know that Mr. Rideout is perfectly sincere in urging Report "C", which I believe he probably is the main author of, and I know that he is perfectly sincere in his views. I still think that this deserves more consideration.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Rideout of Manchester to accept Report "C" and assigned for later in today's session.

Third Reader Indefinitely Postponed

Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees" (H. P. 1235) (L. D. 1567)

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

Mr. McTeague of Brunswick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-510) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. McTEAGUE: Mr. Speaker and Members of the House: House Amendment "A" does two things. Number one, it straightens out some of the language in the original draft which was done with the help of Mr. Silsby in Legislative Research. It does not change the meaning or effect of the bill. The second thing that House Amendment "A" does is recognize the situation of lobster fishermen as being clearly within the area of Maritime employment which has been a traditional exclusion from the Workmen's Compensation Law. Aside from the lobster fishermen situation, this bill is a repeat in better language and with technical improvements only of the bill which we acted on yesterday.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: The gentleman from Brunswick, Mr. McTeague, is speaking against what he said yesterday, because he said yesterday the bill was good in its present form, and I had in mind of presenting an amendment to cut small woods operations out of this, but decided that I would not because if it was fair for one it was fair for the other. But now he comes up with a reason including farm labor and lobster fishermen. I wonder, if this passes, whether it would be favorable for the other small employers to come in and amend it like some other bills, try to amend it dead. But taking this into consideration, I move that we indefinitely postpone this House Amendment "A".

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

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

Mr. ROSS: Mr. Speaker and Members of the House: I certainly concur with the gentleman from Bridgewater, Mr. Finemore. This is a complicated amendment. I don't think it is necessary but as has been mentioned tucked in there is the exclusion of lobster fishermen. I don't think we should start excluding all of the special interest groups that might come into this. I think the bill is alright the way it is and I approve of indefinitely postponing this amendment.

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

Mr. RICHARDSON: Mr. Speaker, I would pose a question to anyone who would care to answer whether you can buy Workmen's Compensation in any form, shape or manner for people serving on the water or even as stevedores.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, poses a question through the Chair to anyone who may answer.

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

Mr. DENNETT: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the question by the gentleman from Stonington, Mr. Richardson, I believe you will find that once you are on the high seas the State of Maine has no control. It comes under Maritime Law. The answer is no.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I was about to rise before this question was asked because although some companies will offer coverage for Federal Maritime Law, I wanted to point out that not only the lobster fishermen would come under the Federal Maritime Law but if you had an employee of a lobster buyer who was on the wharf and happened to go aboard the boat and get hurt or the boat was tied up by the wharf and for some reason or other they fell over on him for instance — these things do happen — it would come under Federal Maritime Law. You really are getting into another can of worms when you get into this because just the minute that you get off of the wharf or off of the property and on to a boat or hurt by a boat in this process, you come under an entirely different law than what the State of Maine controls.

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

Mr. HASKELL: Mr. Speaker and Members of the House: My understanding of the amendment that has been offered by Mr. McTeague, is that the language of the law as it now stands the lobster fisherman is excluded. There was some questions raised about it and in order to make it more explicit that they were included, that was the reason for the introduction of the amendment. I would also point out that under the law which was passed yesterday, the small employer has a very clear cut choice between two methods of insurance; number one, he can become the assenting employer under the Workmen's Compensation Law; or, number two, he can buy em-

ployer's liability insurance. The compromise feature in this, to avoid the situations where there were excessive rates, is allowing the small employer to have a clear cut alternative.

Now I think we should bear in mind that we are concerned here with a very small minority of small employers who have no coverage of any sort. The average prudent employer certainly has protected his own interest to the extent that if he was not an assenting employer he certainly would have employer liability for his own protection. Now this is to force the remaining small percentage of small employers in the state to seek one form of coverage or the other.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: You were just about to tell us what the motion was pending before the House, would you mind saying the motion —

The SPEAKER: The pending question is the motion of the gentleman from Bridgewater, Mr. Finemore that House Amendment "A" be indefinitely postponed.

Mr. DUDLEY: I would like to talk on the bill as soon as the amendments are disposed of.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, I would like to pose a question to anybody who might care to answer it. What would a lobsterman do under these circumstances if he did take a person out on his boat?

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I will attempt to answer Mr. Tyndale's question. I first would like to concur entirely with Mr. Donaghy and Mr. Dennett who said, as I

understand it, the Admiralty Law rather than Workmen's Compensation governs injuries at sea and includes injuries to lobster fishermen or any other type fisherman.

The reason that the amendment was offered was twofold. Number one, not to change the substance or effect, but with the advice of Legislative Research to get the bill in better technical shape. The second reason, and the one that frankly I regret now it was offered for, the second reason was to make explicit that lobster fishermen would be excluded. As has been stated by Mr. Dennett, the policies of Workmen's Compensation are not available to cover action at sea because this is excluded and under federal law.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: As I understood this by asking a few questions, that I understand the Workmen's Compensation part that they aren't able to carry it, but I do understand they can carry the liability, and if they can carry the liability and we can carry the liability on ours, I can't see why that one isn't as fair as the other.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: After seventeen years experience with boats and trying to insure boats under any form of insurance, I will tell you that it is one heck of a mess. The only company which will issue this insurance, to the best of my knowledge, is Lloyds of London and the insurance is just prohibitive, it is utterly impossible. It reached the point where I think that every sardine factory in the State of Maine has a separate corporation, the only assets of which are their sardine boats, and the skippers and the men on the sardine boats are told—this is fine, if you want to sue the corporation, you can have the boat.

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

Mr. BENSON: Mr. Speaker and Members of the House: The other day we were talking about a mortgage foreclosure bill and it was my intention to exclude the farmers. At that time the gentleman from Old Orchard Beach, Mr. Danton asked me why not exclude the shoe worker and a number of other people that I don't recall. If that was true at that time then if we are going to exclude lobster fishermen, which I agree with wholeheartedly, then let us also exclude the person who is working in the woods and the person who is working on the farm and the person who is working here and the person who is working there. In other words, leave the law as it is today. I think we have saddled the small businessman, the backbone of our nation and the backbone of our state, with every bit of paper work, record keeping and mandatory expense that he can possibly stand. As a matter of fact, we have put many of them out of business and I just hope that we don't pass this and put even more of them out of business.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore that House Amendment "A" be indefinitely postponed. The Chair will order a vote on the indefinite postponement motion.

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

Mr. McTEAGUE: Mr. Speaker, is it in order for me to withdraw the amendment?

The SPEAKER: The gentleman has that privilege.

Thereupon, that gentleman withdrew House Amendment "A".

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This bill is not acceptable obviously to the fishermen; it is not acceptable to the farmers; it is not acceptable to the small business of any kind like store keepers from my area and my competitors. Now at one

time I did quite a large business and bored with quite a large auger and then I got small so my employees are taken care of, I am not concerned with myself.

But I do have some competitors in my area that I am concerned with. I don't want them to think that I took part in actually putting another nail in their coffin. They are young people that are starting a business in opposition to me and I would like to see them have a fair and honest start the same as I had. Now in the filling station business, for instance, you have to keep open seven days. People nowadays need one day at least off. They can't work every night because their wife, they might have to take her some place, so you have to have a part-time employee at least if you run a small filling station. Now the records you would have to keep would be ridiculous for the little amount of time that you have to have these people.

Now you have got the small country store and my district is full of them. This would be playing right into the hands of the big merchants that have the big supermarkets. They have this anyway. Now every time you drive out a little country store that are mighty handy when you want a few little trinkets, you are putting another nail in the coffin of a small businessman in Maine who down through the years has grown and been quite famous and it has been done by every businessman being small. I was small in business once myself and I appreciate my competitors and his effort to try to get started and I don't want to do nothing. I want him to have an honest start the same as I had.

Let me tell you that I sat in this House, I lowered this from 14 to 7 and once before that, and I think when we get down to 3 we are down to the bone in the thing. I think this bill should be indefinitely postponed and I so move and I think that if there is violation there, they are so few in number that we would do more damage with the bill than we would without it.

This has been discussed in this House on several occasions and if

you have a chance to look around you and see the small farmers, the small storekeepers, the small filling stations. Now let me tell you how this plays into the hands of the big oil companies. They want to own all the filling stations in the State of Maine and they control prices that way, it is much more convenient for them. But this is not healthy for home-owned business and small people. It is much better if your local man that washes your windshield and serves you so well is running his own station. It is much better than company-owned stations, and the company-owned stations are getting numerous everywhere and supermarkets are getting numerous everywhere.

This certainly would please them. It would drive out a few more small people and these small people in order to get to be good businessmen and big businessmen, they are just out of school, a lot of them and just starting, and a lot of them old people that are keeping a little country store. I just can't conceive that we would do that much good with this bill. I so move that this bill be indefinitely postponed and I have very good reasons and we have lived very nicely with this bill as it is today and I hope we keep it that way. I don't think we would improve the situation one iota.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Mr. Dudley of Enfield has made an eloquent defense of these small businessmen, the country store and the locally owned gas station as against the company-owned station. On these things I fully agree with him. However, let's look at the locally owned gas station. Perhaps there only are two employees and perhaps the man that runs it is a nice young man just starting his business up and we are concerned with him certainly. But what happens in that gas station if one of his two employees is working underneath a car and the jack slips and the man's back is crushed and he is an invalid for life or if he dies,

what happens to that man that was working and his family?

The impetus behind this bill comes from Representative Ross who has been a factor in moving for better Workmen's Compensation coverage over a number of years. Approximately 22 of the states now have no exclusion, no numerical exclusion from Workmen's Compensation coverage. We tried to provide an option here in the Labor Committee and we came out with a 9 to 1 report behind this bill. We provided the option not really because we wanted to but because we recognized at least in certain industries, for example logging, that the premiums would be very high.

If I recall the debate a day or two ago on this bill the cost to the gas station owner would run about \$35 per year per employee. I feel that it is much more important that the man whose back is crushed by the lift slipping onto him receive some compensation and receive some medical care than it is that the small gas station operators save \$35 a year.

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

Mr. DURGIN: Mr. Speaker and Ladies and Gentlemen of the House: I have sat and kept very quiet about this bill for many days, having signed the Minority "Ought not to pass" Report, and I can live with this because I have one employee and he is under Workmen's Compensation. However, there has been a great deal of talk about a choice between Workmen's Compensation and Employer's Liability. Now this Employer's Liability we are talking about is a brand new concept and I just don't see how at this point in the game anyone can discuss or come up with a reasonable answer as to what the rates are going to be under Employer's Liability under this new concept. If someone in the House can answer that and explain what this new concept is under Employer's Liability under this new law, I wish he would do so.

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

Mr. ROSS: Mr. Speaker, it has been mentioned that we have cut down from 12 to 7; a few years ago I sponsored legislation cutting down from 7 to 5. I then sponsored legislation cutting down from 5 to 3, because I sincerely believe that every person, especially those working for a hazardous job no matter how large the operation is, should be covered if he becomes injured. And it has been said that we don't need such a law because the injured person can sue for damages.

But here of course is the difficult situation. The employee injured or his widow if he should die cannot afford to sue for damages. It has been mentioned that the bill is not necessary because in a small place the employee has his common law defenses. However, he would then have to prove that the employer was negligent or a fellow worker was negligent or the injury was caused by the ordinary risks of his job. I think if we have genuine concern for the overall working force of our state we should go ahead and enact legislation like this. It is nothing new. Mr. McTeague from Brunswick mentioned 22 states have it; 30 states in the United States have a law like this now. They certainly can live with it especially since we give them the option.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: The provisions of this bill are consistent with the concept of spreading the risk through insurance and it would protect the many many more employees, rather than have these hurt employees depend on welfare for this type of protection. And the insurance cost I submit is the legitimate cost of doing business and it is just added on to the cost of doing business for a good purpose.

I urge you to vote against the pending motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: It seems to me this \$1,000 medical pay wouldn't go very far for this injured man that the gentleman from Brunswick, Mr. McTeague spoke about, and if he was injured for life and only had \$1,000 medical payment coming to him it certainly wouldn't amount to too much. I should like to support the indefinite postponement of this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am not going to bore you people with a lot of conversation. I would just like to ask one question of the Labor Committee. This is such a serious situation I am sure Miss Martin of the Department of Labor could tell me how many of these serious cases there was, and I doubt there were very many. Could someone on the Labor Committee tell the House how many of these cases there were in the State of Maine we are talking about? I know it is very very few.

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

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the question from the gentleman from Enfield, Mr. Dudley, speaking as a member of the Labor Committee ex-officio, I would answer in this form. If there was one accident, one disabling accident that was not covered by insurance that this person is going to be on our welfare rolls for the rest of his life and so will his family, then it is one too many.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: As many of members of this House know I have long been identified with improving the Workmen's Compensation law but you are dealing in this instance with a law

which is very complicated, and I doubt very sincerely if you could bring it down to one and make it work. You possibly could get insurance of some type for hazardous employment of that type and I believe this could be covered in another way, but I am deeply concerned as to whether you could bring this down, and perhaps some member of the Labor Committee who is thoroughly knowledgeable on the Workmen's Compensation law could tell me how this could work.

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

Mr. McTEAGUE: Mr. Speaker, although I can't qualify as being thoroughly knowledgeable on a very complex area, like the other nine members of the Committee we did spend a good bit of time on this. We had it in Committee about three or four months. Mr. Dudley asked if any member of the Committee could tell exactly how many men were injured in this situation and Miss Martin did speak with us on several occasions regarding this. She didn't have exact numbers, as I understand it, because they are not covered by Workmen's Compensation at this time the reporting system is somewhat deficient. She did tell some very tragic tales though.

I think the best answer though as to whether, and I agree wholeheartedly with Mr. Levesque when he said even one injury without compensation is too many, but I think the answer to how many injuries there are with the small employer of course depends on the nature of the employment. With the loggers, the small logger, the fact that the insurance premium is about \$600 a year for workmen's Compensation — of course it would be less for Employer's Liability, but the fact that the insurance premium is about \$600 a year says to me that there are a lot of injuries.

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

Mr. FINEMORE: Mr. Speaker, just one word to Mr. McTeague if I may please. \$600 a year wouldn't even start it for a man

with three employees. It would take about \$1800, \$1400 to \$1800 a year for a premium and I have already checked it up. I have also checked up on the Liability which isn't too high, I will agree, but the company in Houlton that handles mine and they are one of the biggest in the county, says that they doubt very much if they would handle it. So I don't know how we are going to get it if we can't get someone to handle it.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: As an individual I shall vote in favor of the motion to indefinitely postpone this bill and I shall do so despite the fact that I have previously supported the efforts by Mr. Ross of Bath and others to reduce the number, because I am persuaded by the argument that this imposes a tremendous burden on small business. It results in encumbering these businesses with the paper work and all the rest of it that I don't think are necessary, and I don't think a very convincing case has been made here today to establish that we have the great crying need.

The principal point that I want to make though is that Maine has, and has had historically, one of the most liberal Workmen's Compensation laws in the nation. The former Attorney General of the State of Maine and former law partner, Clement Robinson was very very active in this effort, and Maine has treated its working population very very well in its Workmen's Compensation coverage. We have consistently liberalized Workmen's Compensation benefits in this state. We did so in the 102nd Maine Legislature; we did it again in the 103rd Maine Legislature, and I think we are getting dangerously close to the point where we are going to kill the goose.

I know of a corporation, a Maine corporation contractor who lost a construction job on the difference between what a Massachusetts corporation would have to pay under Workmen's Compensation laws of that state and the amount

we have to pay in Maine. Now I think the viciousness of this bill becomes clear when you have one of its leading proponents, the gentleman from Brunswick, Mr. McTeague first offer and then withdraw an amendment, recognizing the serious impact on one special small group in offering an amendment and then recognizing that the same logic has to apply all the way across the board; and this is the reason why I as an individual I don't feel that we should broaden and continually broaden Workmen's Compensation coverage when we already have as I say, and I can defend this statement, one of the most liberal Workmen's Compensation provisions in the law of our state, of any state in the nation bar none.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Only to rebut a few kind words of the gentleman from Cumberland, Mr. Richardson, on the remarks that he has just stated as an individual. I will make my statement in an individual, personal or any other capacity, that if his remarks are that historically Maine has been in the forefront of having the most liberal Workmen's Compensation Act in the country, it is a very short history and it starts in 1965 of which, if I remember correctly, most of the liberalization that was made in 1965 the gentleman from Cumberland, Mr. Richardson was against and I think anybody that would care to check the legislative records could very well find this to be true.

In the area of a construction company losing a contract because of the cost of Workmen's Compensation, let me point to you just one other instance that I think is just as valid. I have known of several contractors that have lost many big contracts because they were off by one cent per yard on gravel of which it would have taken hundreds of thousands of yards but they were off by one cent thereby losing the contract. So the matter of losing contracts has many areas and many

complacencies that could be discussed but not necessarily valid. I just thought I would bring this up for your observation.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I don't rise to get in any rebuttals or arguments. I do want to point out that I support the gentleman from Southwest Harbor in his motion and I hesitated to get into this yesterday because I thought it would be another one of these lawyer-insurance man bills.

Actually the thing boils down in my mind to the fact that we are talking about two different things when we talk about Workmen's Compensation and then allowing someone to buy Employer's Liability instead of it. They are as different as a horse and a cow. They both have four legs but they provide entirely different coverages and they are both fine but actually they throw the cow in when you buy a Workmen's Compensation policy, they add Employer's Liability here in the State of Maine automatically to a Workmen's Compensation policy, the companies that I have ever done business with.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: The Majority Leader has told you the truth when he said that Maine does have a very liberal Workmen's Compensation law, but it is only liberal for those who are covered under it and the people we are talking about today do not have any coverage, so there is no liberal law for them. And as to a contractor from Maine losing a contract with a firm from Massachusetts, on the whole, and this depends and goes industry by industry, rates are generally lower in Maine. Now in the first place, for each industry there is a manual rate and if that industry makes an honest effort to curtail accidents it will have its rate reduced and reduced a great deal, as much as 50 per cent. And I think it is

time that we did recognize that the man that is severely injured wherever he works, or killed wherever he works, he and his family are entitled to the protection of some law instead of throwing him on welfare or on the public.

We have many inconsistencies here in that a man with four people is required to be under the law; the man with three is not, three or less, but the chances are if they are in the same business they have exactly the same costs, only one does escape the tax or the payments on Workmen's Compensation.

I hope you will go along with the gentleman from Bath, Mr. Ross's bill.

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

Mr. HASKELL: Mr. Speaker and Members of the House: There have been several arguments advanced on the great burden of paper work that is involved here. It doesn't seem to me that reaching for a checkbook, writing a check out for Employer's Liability on an annual basis is any great amount of paper work. Now I think that Mr. Fine-more in his argument as to the high cost involved in covering employees in the type of industry in which he is engaged, namely, the lumbering industry, is a very convincing argument for the necessity of some protection in this field. The rates are high because the risk is high and the incidence of accident is high.

Now recognizing that if we made an application to all the employers in the state of the necessity of going under Workmen's Compensation, that the high risk industries would be faced with prohibitive costs, we provided the alternative which I submit any prudent employer certainly for his own protection normally carries Employer's Liability. I would say that less than 10 per cent of the small employers of the state would be operating without any liability protection.

Now all that is suggested under this bill is that for the small employers in the state they have the alternative either of becoming

assenting employer under Workmen's Compensation or they do cover themselves with Employer's Liability. This seems to me, rather than have this bill in here perennially with a drive for the coverage of all of the small employers with Workmen's Compensation, which would be prohibitively expensive in the high risk industries, that we do accept this as a sensible compromise and be done with this hickering about the small employers in the state. They have a reasonable and sensible alternative here in this bill.

Mr. Finemore of Bridgewater was granted permission to speak a third time.

Mr. FINEMORE: I am sorry, Mr. Speaker, I shouldn't have spoken again, but just to clear up a statement that the gentleman from Hampden, Mr. Farnham made and let the people know how misleading a statement can be, he said that these costs would go down as low as 50 per cent. That only goes for big corporations and I want that understood, only big corporations. That never affects the small farmer, nor the fisherman if you want to put it on, or small woodsman. That is just for big corporations.

I would also like to state here that it is a lot easier for some people to reach and write a check than it is some of the small woodsmen who only have three men or more, or even a lobster fisherman who has three or more. But I might say I am not fighting this bill for myself because I have to carry insurance, but I am fighting for the small operator.

Just one example, and very briefly, I would like to state you one example of what it is going to do. You take in the tie operation, making ties for railroads, they pay \$1.27 to have them made. At the present time they are making seventeen cents and you add this on, this compensation on, it takes 1.7 cents off from that. Now I ask you if those people can operate.

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

Mr. DURGIN: Mr. Speaker, Ladies and Gentlemen of the House: I hate to prolong this thing

but if this law is good and the basic argument is good and sound, why do we have so many exemptions under this law? I maintain that once you get down below the three employees then you get into problems. Now nonprofit organizations are exempt under this law and have been as long as I can remember. Why at eight men? An employee, a worker in a church, a janitor injured is just as injured as a person working in an industrial factory.

Now I believe there are logical reasons why this should stop at three. Now if you are going to make exemptions at all, then let's leave it where it is; if you believe fundamentally and basically what this argument is all about then you will eliminate all exemptions.

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

Mr. DUDLEY: Mr. Speaker, I don't want to speak to this House again, I just want to say that I don't consider my question answered. It was answered in this way, if there was one, but I wasn't told that there was one.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley that House Paper 1124, L. D. 1567, Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees," be indefinitely postponed.

Whereupon, Mr. Ross of Bath requested that the vote be taken by the yeas and nays.

The SPEAKER: 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 Enfield, Mr. Dudley that this Bill be indefinitely postponed. 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—Allen, Baker, Barnes, Benson, Binnette, Birt, Bragdon, Brown, Buckley, Bunker, Carey, Carrier, Carter, Chick, Clark, C. H.; Clark, H. G.; Crosby, Cummings, Curtis, Dennett, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Faucher, Finemore, Foster, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Heselton, Hichens, Hunter, Immonen, Johnston, Kelley, K. F.; Keyte, Lee, Leibowitz, Lewin, Lincoln, Lund, MacPhail, Marquis, Marstaller, McKinnon, McNally, Meisner, Millett, Mosher, Page, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Thompson, Trask, Tyndale, White, Wight, Williams, Wood.

NAY — Bedard, Berman, Bernier, Boudreau, Bourgoin, Brennan, Burnham, Casey, Chandler, Corson, Cote, Couture, Crommett, Croteau, Curran, Cushing, D'Alfonso, Dam, Drigotas, Emery, Eustis, Farnham, Fecteau, Fortier, A. J.; Fraser, Gauthier, Giroux, Good, Haskell, Hewes, Huber, Jalbert, Jameson, Kelleher, Kelley, R. P.; Kilroy, Laberge, Lawry, Lebel, LePage, Levesque, Lewis, Martin, McTeague, Mills, Mitchell, Moreshead, Morgan, Nadeau, Ouellette, Payson, Rochelleau, Ross, Santoro, Sheltra, Starbird, Tanguay, Temple, Vincent, Waxman, Wheeler.

ABSENT—Coffey, Cottrell, Cox, Danton, Fortier, M.; Gilbert, Jutras, Norris, Noyes, Soulas, Susi, Watson.

Yes, 77; No, 61; Absent, 12.

The **SPEAKER**: Seventy-seven having voted in the affirmative and sixty-one in the negative, the motion does prevail.

Sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Grant a New Charter to the Town of Brunswick" (H. P. 1260) (L. D. 1590)

Bill "An Act Establishing a Truth in Lending Law" (H. P. 1261) (L. D. 1591)

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

Passed to Be Enacted

An Act relating to Comparative Negligence in Civil Actions (S. P. 89) (L. D. 251)

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

An Act Exempting Water and Air Pollution Control Facilities from Sales and Use Taxes (S. P. 117) (L. D. 326)

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

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 the Water and Air Environmental Improvement Commission (S. P. 322) (L. D. 1084)

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

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

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

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

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

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 the Employment of the Handicapped (S. P. 487) (L. D. 1571)

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

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

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

Was reported by the Committee on 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 Governmental Immunity in Civil Actions (H. P. 557) (L. D. 738)

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

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

An Act Revising the Savings Banks Laws (H. P. 1021) (L. D. 1360)

An Act Amending the Charter of the City of Portland Relating to Recall (H. P. 1040) (L. D. 1365)

An Act Establishing the Boundary Line Between the City of Bath and the Town of Woolwich (H. P. 1079) (L. D. 1402)

An Act Amending the Fictitious Grouping and Rate Filing Provisions of the Insurance Code (H. P. 1227) (L. D. 1560)

An Act relating to Hospitalization for Mental Illness of Inmates of County Jails and During the Pendency of Criminal Proceedings (H. P. 1239) (L. D. 1574)

An Act Placing All Unclassified State Forestry Department Employees in the Classified System (H. P. 1243) (L. D. 1578)

Finally Passed

Resolve Authorizing Louis Nadeau to Bring Civil Action Against the State of Maine (H. P. 1240) (L. D. 1575)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to

be enacted, Resolve finally passed, all signed by the Speaker and sent to the Senate.

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,

The House recessed until two o'clock in the afternoon.

After Recess
2:00 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the following Special Order of the Day:

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 449) (L. D. 1483) pending question, further consideration.

On motion of Mr. Richardson of Cumberland, the House voted to recede.

Senate Amendment "C" (S-246) was read by the Clerk.

Mr. Richardson of Cumberland offered House Amendment "A" to Senate Amendment "C".

House Amendment "A" to Senate Amendment "C" (H-526) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. RICHARDSON: Mr. Speaker and Members of the House: House Amendment "A" to Senate Amendment "C" is being reproduced and distributed at this time. The amendments make some changes

in the Part II as previously amended by providing for payment for repairs and maintenance on public buildings out of surplus. The amendment also makes a reduction in the amount of money necessary to fund the state employee pay raise by the sum of \$254,000.

I would like to explain that the reason for this is that there are a number of unfilled positions which cannot realistically be expected to be filled, and that based on an analysis of the present position with respect to the number of state employees authorized and those positions which are actually filled, we feel that it is appropriate to reduce by \$254,000 the amount previously suggested for the state employee pay raise — that is the amount necessary to carry out that program. It is for this reason that I urge you to adopt this House Amendment "A" to Senate Amendment "C" in order that we may get the bill in a proper position for debate.

Thereupon, House Amendment "A" to Senate Amendment "C" was adopted. Senate Amendment "C" as amended by House Amendment "A" thereto was adopted.

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

Mr. RICHARDSON: Mr. Speaker, must we recede from the adoption of House Amendment "D" in order to offer House Amendment "B"?

The SPEAKER: That is correct.

Thereupon, the House voted to recede from the adoption of House Amendment "D".

Mr. Richardson of Cumberland then offered House Amendment "B" to House Amendment "D" and moved its adoption.

House Amendment "B" to House Amendment "D" (H-525) was read by the Clerk.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: By a careful review of the program as suggested to you by the leadership of both parties, we have been able through adjustments and by a review of present revenue estimates, not only from existing tax measures from previous sessions but by review of those measures which had

previously been adopted, we have been able to, in effect, reduce by more than \$2 million the amount of taxation necessary to pay for those services in the Part II Budget and the additional items that we have discussed in party caucuses and here on the Floor of the House, and by effecting a reduction of \$2 million in the amount of necessary tax revenues we are able to suggest by this amendment that we attempt to meet two of the basic objections to the package that has been presented to you.

First of all, House Amendment "B" before you now, under filing 525, suggests that the recommended beer tax increase of 10 cents be reduced to 8 cents, which results in a revenue loss of \$664,000. We further recommend that the exemption of \$1,000 on certain classes of income from certain classes of stocks, be raised to \$1,500.

Now we have had a lot of discussions in our caucuses and I am sure that our Democratic friends have too, about what is and what is not taxed. But I can tell you as a general proposition that if you will review the tax information sheet that has been given to you, you will see that a single person holding \$30,000 of taxable stocks would under this amendment not be subject to any state tax, assuming a 5 per cent net return on that investment.

I wish to point out to you that the interest on bank accounts is not taxed, that the interest on U.S. bonds, bonds of Maine municipalities, bonds of the State of Maine, is not taxed. If there has been any really valid criticism, and the criticism that troubles me as it does you, it is that a so-called intangibles tax could without generous exemption place a hardship on retired persons and those living on fixed incomes derived from stocks.

I believe that this amendment removes any real possibility, and I know that there are those of you who will debate it, but removes any real possibility of adverse or seriously detrimental tax treatment. The adoption of this will

result in a revenue loss to the program of \$2,390,000.

Now in order to meet this revenue loss by trying to adjust some of the inequities out of this program, and I refer to them as that, candidly and forthrightly and I am not trying to hide anything, we have had to make up the difference of some \$2,054,000. The previous amendment suggested taking repairs and minor improvements to state-owned property out of surplus, a traditional position certainly for my party and one which we believe should be followed again. We reduced the amount of money available for L.D.'s by \$500,000, and this puts us at the level of about \$1 million for L. D.'s. As indicated, we reduced the amount of money appropriated to carry out the state employee pay raise plan because we feel we can do this responsibly. These other revenue measures or revenue generating bills that have been passed make up the difference and we have made an amendment in the treatment of dividends, not interest, but dividends paid on stocks of banks.

The effort for compromise continues. The effort to meet responsibly our obligations to ourselves continues. We have met again and again and again. There are many in my party who violently disagree with me and I am sure that Mr. Levesque suffers the same burden. But this represents a conscientious attempt to work together to find a way to meet appropriations and responsibilities in such a way that we can do what has to be done.

Now there is an amendment, which has not as yet been offered, which would suggest cutting \$6.1 million out of the public school subsidy program. If this is where you want to make your cuts, then I would suggest the amendments be offered. I for one cannot in good conscience vote for any such recommendation. There are other areas in the program which we as Republicans and Democrats must review, but I believe that your leadership has correctly represented your view with respect to the level of spending, although you probably disagree on the method of achieving it.

Mr. Speaker, I move the adoption of the pending amendment.

Thereupon, House Amendment "B" to House Amendment "D" was adopted.

The SPEAKER: The Chair would inquire if the gentleman is to offer another amendment to House Amendment "D" because if he is, we will have to reconsider.

Mr. RICHARDSON: Excuse me, Mr. Speaker. May I approach the rostrum? I think I have offered it.

(Conference at rostrum)

Thereupon, the same gentleman offered House Amendment "A" to House Amendment "D" and moved its adoption.

Thereupon House Amendment "A" to House Amendment "D" (H-523) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: Because I don't want there to be any thought of our acting rashly, I am going to suggest that after I have attempted to explain House Amendment "A" to House Amendment "D" to you, that this matter be tabled and specially assigned as a special order of the day for ten o'clock tomorrow morning because I don't want there to be confusion arising out of my handling of this or the number of amendments that have been before you.

House Amendment "A" to House "D" has two basic things in it. First of all, there was some question under the bill as it was originally prepared whether or not we were repealing by implication the tax treatment which is accorded to railroads in exchange for which they are immune from taxation by municipalities on the right of ways. Because we did not want to create uncertainty and confusion, we have attempted to make it clear in the first part, section 5202 of this amendment, that we do not intend to repeal by implication the present law relating to railroads and granting them an exemption from liability to municipally imposed taxes on their rights of way.

The second is rather complicated, and if you will bear with

me I will try to explain it and I will be glad to speak to any of you individually. We incorrectly in our judgment imposed a tax on the dividends other than the shares of stock of banks when the dividends are paid to the shareholder. Now it is important to remember that we are not talking about interest on bank accounts. Those are exempt. We are talking about dividends on shares of bank stock.

Now we granted an exemption to one class of companies inadvertently without granting it to the other. Those which are holding companies, the Depositors Trust Company is one, there are several others apparently who are, or who are contemplating becoming so-called holding companies in the banking business, these would have been taxed, dividends paid to their shareholders by the holding parent company would have been taxed. Since we felt unanimously that the only public policy reason for excluding the dividends on bank shares would be to encourage investment and that such a public policy treatment of these particular institutions was not warranted in view of the fact that you can't buy bank stock anyhow, we felt — and I wish to indicate that the lobby representing the banking interests in the state agree, that rather than have discriminatory treatment they would rather simply not have any exemptions so that everyone would be treated equally, and this is what this amendment purports to do.

If there are any questions about the amendment, I would be pleased to answer them. If not, I would suggest that the matter be tabled as a special order of the day for ten o'clock tomorrow morning.

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

Mr. JALBERT: Mr. Speaker, could I make a parliamentary inquiry?

The SPEAKER: The gentleman may make his inquiry.

Mr. JALBERT: Would this table the entire measure?

The SPEAKER: The answer is in the affirmative.

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

Mr. JALBERT: I move the House adopt House Amendment "A" to House Amendment "D".

The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: It was offered that a question be asked and I will ask a question through the Chair to the gentleman from Cumberland, Mr. Richardson. If we should accept the taxation on intangibles, if many of these people involved should transfer their holdings to savings banks which are not taxable, how will this affect the proposed anticipated revenue and where would we get the additional money then?

The SPEAKER: The gentleman from Bangor, Mr. Soulas, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker, the only way that the stocks held by such person in the tax avoiding scheme could be gotten into savings bank, would be to liquidate them and in many instances pay a very substantial capital gains tax to the Federal Government.

Throughout this entire question, or entire process, I think it is important to remember that the unscrupulous can resort to tax fraud. Those who can, within the permissible range of the law, transfer their funds are perfectly entitled to do so. I can't imagine any great flight of stocks into the open cash market with the result in capital gains loss, only to go into a savings bank. We have attempted to exempt from taxation a very substantial portion of the savings of the retired people of this state and in creating the exemption of the first \$1,500 we have effectively exempted from taxation common stocks to the amount of \$30,000.

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

Mr. JALBERT: Mr. Speaker, I would certainly join you in your thinking of adopting House Amendment "A" to House Amendment "D". I would so move, Mr. Speaker, and may I further ask a question?

The SPEAKER: The gentleman may pose his question.

Mr. JALBERT: My question is this. I note that there is a chain located in Maine who over the weekend had an emergency meeting of their directors and shifted their holdings, and I am not familiar enough with the financial world to know — in that area of stocks and bonds to know, they shifted to another state. And I mean, in this particular instance, I am fully convinced this was done with this specific purpose in mind. With that thought in mind, is there a thought that possibly this bill could be tomorrow further amended to predate it, or does the gentleman from Cumberland or anybody have an answer? I am not trying certainly to embarrass anybody, I didn't like what I read and I can see the reason behind it.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson who may answer if he chooses and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker and Members of the House: We have anticipated various actions like this. This tax is imposed on the resident of Maine who receives the dividend payment from the stocks, from certain classes of stocks, generally I would say common or public. Now this bill in its present form, even had it been law prior to the time that this event took place, wouldn't have prevented it. The tax in this instance is imposed on the recipient of the dividend, not the payor, not the person who is making the payment.

The only possible impact of this legislation, which I don't believe is going to happen, and I find no evidence that it is going to happen, is the suggestion that a person living in Maine with the exemptions at these levels is going to

leave Maine rather than pay the tax, and to that sort of exodus from Maine this bill cannot provide an answer.

But for as far as the stockholding companies and these organizations, that doesn't affect one way or the other our revenue.

Mr. JALBERT: Mr. Speaker, I move the adoption of House Amendment "A" to House Amendment "D"

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

Mr. GAUTHIER: Mr. Speaker, I would like to ask of Mr. Richardson, the Majority Floorleader, how do we stand at the present time? I would like to know after all these amendments, what the net package is as far as taxation?

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker, the basic figure that was presented in Part II, together with the supplemental memorandum which was distributed to all the members on a legal size sheet under date of 6/3/69, which indicated why we had to go beyond \$34 million, why we had to include, for example, \$900,000 for debt service on the \$22 million bond issue that has already passed, why we felt we had to provide so-called combat pay for those persons directly involved in the management of inmates and patients at state institutions and penal institutions, the total of all of these figures which the leadership believes represents the budget that we should be aiming for, was \$42,100,000. We have suggested reducing that, in effect, to approximately \$40,050,000. Now this is not entirely a cut and I don't want to be—as we say in West Cumberland, squirrely enough to try to suggest that it is. A lot of this results from additional revenues that are available by reason of bills that we have already passed.

But what we are talking about basically is a \$40 million budget with a \$1,500 exemption on the income from intangibles, those which are taxed and there are many which are not, and a beer tax of 8 cents rather than 10 cents on the gallon. And I hope I have answered the gentleman's questions, it is confusing and it is very hot in here, but that is basically what I am trying to get across.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, if I may pose a question through the Chair to the gentleman from Cumberland, Mr. Richardson, or any member in the House who may care to answer. Am I correct in my assumption that this is a class taxation, legislation for only one segment of the income?

The SPEAKER: The gentleman from Belgrade, Mr. Sahagian, poses a question through the Chair to anyone who may answer, and the Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I will try to attempt to answer the gentleman from Belgrade Mr. Sahagian's questions in this fashion. If it is wrong to tax poor people, then this is taxing a segment of the society. For the same reason, I would answer the gentleman in this way. We are asking to tax the general public that are driving automobiles to pay a gasoline tax if they drive an automobile or a truck or a vehicle of any nature. If they don't have a vehicle, then they don't have to pay the tax and the people that have stocks and bonds naturally would be subjected to a tax under this document. So if this answers the gentleman's question that if they have stocks and bonds, they will be taxed the same as those that have vehicles that have to buy gasoline will have to pay the tax on the gasoline.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It has been at least indicated here today that

these people would move out of the state. Now this is not the case. These people do not have to move out of the state. Now I am not concerned about the people who own a few stocks. I do and a few others owned a few but we are not affected because we don't own enough. It wouldn't make any difference anyway. But I am concerned about the people that really own some. In each one of our districts there are a few people considered as millionaires.

Now at least the ones in my district have summer homes in Florida, very beautiful establishments, not just lean-tos but very beautiful establishments where they live part of the year. Now the ones that I have talked to, all they have got to do—and I don't believe there is anything we can do to stop them from doing it—all they have got to do is just say my residence is Florida, my residence is New Jersey or my residence is Maryland. They don't have to move there, because then they become summer tourists. They can live here as long as they want to. We can't do nothing about it. As it is now we are getting a big inheritance tax. I haven't looked lately but I am of the opinion that it is about \$60 million every two years. I don't believe this will raise one penny because I think you will end up losing money. You are exempting people like myself from this tax. The ones you are not exempting, all he is going to do is say my residence is in some other state. He can still live here. Now I don't believe anyone can dispute that.

What you are trying to say is that this man can't say his residence is somewhere else. This is not a matter of fact. As a matter of fact I can declare my residence anywhere. It doesn't mean that I have got to live there. I am not going to because I am exempt from this and this doesn't tax the average person that has got a few stocks and bonds, it is taxing only those people who have got a lot of it.

And at least the ones from my area, and I have talked with some of the other legislators that have got similar cases, but at least the

one in my area do have summer homes and one of them has a home in Newfoundland. And in Newfoundland the word "tax" is not in their vocabulary and I don't think it is even in their dictionary because that is not the method they run in Newfoundland. In Newfoundland the Crown owns the land and they run the schools and the highways and that is about it, so there is no such thing as tax. And so there are plenty of places — and these people, an awful lot of them, are leisure people; most of them are not working, they have nothing else to do. These are not people that are bound here or tied here or held here by business; most of them are retired. Now you are going to catch a few but you are going to lose so many in the inheritance end of the thing.

We have got some attorneys in my end of the state that became quite prominent people administering these estates. Now somebody in Florida is going to administer these estates if you pass this kind of legislation. At least they are going to administer, the wealthy people that I know of, they are going to be administered in Florida, New Jersey or Maryland, they are not going to be administered in Maine; and the attorney that does that, at least they appear to be quite well-to-do if they administer two or three million dollar estates. I think we are taking some money away from this particular segment of our — which certainly is an industry because these attorneys get the money and they spend a lot of it in Maine and they are pretty good spenders. So the net result in my opinion is going to be that we are going to end up with less tax rather than more and I say this because I want it in the records because if you do pass it I am going to be able to tell you two years from now or four years from now like I have on many other occasions, "See what I told you". It don't do any good but at least I have the satisfaction of saying "I told you so." That is all I have got to say. You watch and see if it don't come about like I tell you.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker and Members of the House: Earlier I called this class taxation. Now I can give it another name. This is an income tax coming from the back door.

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

Mr. RICHARDSON: Mr. Speaker, if I have not spoken more than twice I would like to answer what I understand is a question from the gentleman from Enfield, Mr. Dudley. There is a vast difference in the law between the terms "domicile" and "residence." The question that Mr. Dudley raised was first raised some weeks ago. It was raised again in a letter from a Mr. Lindscott of the Merrill Trust Company in a letter to me dated June 10. I simply want to indicate that the term "domicile" is used in the bill and it is a technical term and one who simply declares a legal residence is part of a scheme to attempt to avoid this tax or any other tax has an awfully tacky road in front of him.

There have been many cases in other jurisdictions involving the difference between the terms "domicile" and "residence." I am too far away from law school to be able to give you the precise definition but I can tell you the question has been litigated many times. We use the term "domicile" and I do not believe that any person now maintaining a home in Florida — and incidently I believe that Florida has an intangibles tax and I am checking that to make sure, but I don't believe that any person by stating that it is my intention to reside in Florida, not Maine, although I have a home here, I pay taxes here and I may do business here, I don't believe that that person is going to be able to avoid the taxation posed by this bill.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker and Ladies and Gentlemen of the House: I detect from the tenor

of discussion thus far that there is to a certain extent some disturbing opposition to the package. Now if you will check the amendments that have been offered and do a little bit of simple arithmetic you will find that House Amendment "A" to House Amendment "C" would generate during the biennium approximately, in round figures, \$37.4 million.

Now in the event that this disturbing opposition should come to fruition and that the package is defeated — and I for one at this point cannot support the package in its entirety, because I am opposed even to the 8 cent increase in the beer tax and I am opposed to the intangibles tax. If you recall in the 103rd Legislature I suggested to the leadership a 5 per cent corporate tax and I suggested a 4¼ per cent intangibles tax, and that was refused flatly, and at that time, if those two items had been accepted along with an increase in the estimates, and the proposed increase in the cigarette tax, my suggested budget recommendations would have generated approximately \$240 million, which would have avoided a special session in October, would have avoided an increase in the sales tax from 4 per cent to 4½ per cent, it would have avoided a confrontation of the political parties, and I am sure it would have endeared the Legislature much more palatably to the general public.

So in the event that this particular package now before you does fail of passage, there is the possibility that I think we could overcome the objections by simply going to a five per cent corporate tax and a five per cent personal income tax because the two of those together will generate approximately \$37.7 million, leaving enough in order to administer a new tax program which would be the personal income tax.

From the mail I have received there are many who are opposed to the intangibles tax. It is taxing a special segment of the population. The mail has indicated that if you are going to tax on the basis of income, then let's make it equitable all the way through and the only way you can do that

is to tax the intangibles and to impose a personal income tax and a five per cent personal income tax is not unbearable, and we must face the inevitable in that we are going to be faced with not only an income tax in the 105th, we are going to be faced with an increase in the sales tax.

And why do I say that? If we pass the present package as constituted, it will amount to approximately \$315 million in round figures, and based on the percentages that have been worked up by Mr. Garside, dating back to the 101st Legislature, the legislative budget and the services and facilities rendered by the State have increased approximately 17 to 23 per cent and if we take a round figure of 20 per cent that means that the 105th Legislature is going to be faced with a minimum increase in the budget of approximately \$70 million and not even an increase of five per cent or six per cent in the sales tax will give it to you, and the only way you will be able to get it is go to a six per cent sales tax and a substantial imposition of a personal income tax.

So I am only suggesting this in the event that there is failure of passage of the budget and the package as presently constituted.

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

Mr. BENSON: Mr. Speaker and Members of the House: Just one word on the figure that was just given by the gentleman from Portland, Mr. D'Alfonso. I believe, if I am correct, the Governor's budget would have had a built-in cost of somewhere in the vicinity of \$80 million and the projected built-in increase in this budget would be somewhere in the vicinity of \$35 million.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr Speaker and Ladies and Gentlemen of the House: I am not talking now about a built-in cost, I am talking about projected increases in the budget as indicated if you compare preceding monies that were adopted and passed by the Legislature dat-

ing back to the 101st Legislature, and if you will compare what finally became Part I and Part II of the budget from the 101st, the 102nd, the 103rd and what might become the final Part I-Part II budget of the 104th and you use the percentage figures on a ratio to proportionate basis, you will find that the projected figures amount to approximately \$70 million. I am not talking about built-in cost.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Somehow or other I think I should be brief but how can you be brief when you are thinking of spending in the vicinity of \$41 million, when you are thinking of trying to spend something for the people of the State of Maine, or trying to be responsive to the needs of our people? Then granted, as I have indicated prior and on the Floor of this House and as the gentleman from Cumberland, Mr. Richardson has indicated on many occasions, he was not completely happy about this package. There are many areas that he feels should not be in there, and there are many areas that he feels should be increased. And I am sure that that feeling is being expressed by myself that there are many areas in there that I feel should be increased and there are areas in there that I should feel we could be doing without. But as most of you have had to go through life, it is not sometimes what you would like to have, but it is what you are able to bargain for that is the end result.

I must ask the members of this House in fair and in good judgment this afternoon, that if we are going to accept a package, then this is the package that we are unsatisfied with in part, but we are willing to go along with. As previous speakers have indicated, I would have liked very much to have seen a reduced corporate and personal income tax be part of the package. But being somewhat reluctant, I faced the facts of life and reality and agreed that this was not saleable at this time. Now hindsight, we can go back many

years and say well if you had done what I told you to do then you wouldn't be faced with this problem. And I could probably tell you ten years from now that if we would have done certain things that I said this week, last week or last month, I told you so. But we cannot tell what is going to happen next year, the year after next or ten years from now. We can only assume that certain basic things will happen and we hope that in this package that this is what we are trying to foresee now, that this package is going to be acceptable to the members of the House and to the other branch and we will not run into a hassle like we did two years ago, of which I was one and I believe the gentleman from Cumberland, Mr. Richardson was another one, that we are sincerely trying to avoid.

If this is what the members of this House would like to have, a complete hassle between Republicans and Democrats, let me assure you as the Minority Floor Leader, we can give you that if that is what you want but you are not going to go home any happier than you are now and in nine times out of ten you will be most unhappy about it. So this is why I think that we have sat down, which we were unable to do two years ago, we have talked to each other, we have agreed, we have disagreed. We have come up with a package which we think is satisfactory in 75 or 80 per cent of the instances. When you can buy something in this day and age that satisfies 75 per cent of your needs I think you had better take it or you might find yourself unsatisfied with 40 per cent.

This is why I think this package is acceptable in its present form and that the members of this House should face realities that the day has come that we must either stop treading water and do something or else, pack our bags and go home, and you know as well as I do what the eventualities of that is going to be. And you don't like taxes any more than I do, but sooner or later we must face reality and I think this afternoon and tomorrow we must still face the realities of life and accept a

package which will satisfy most of our needs. Thank you.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: My people in the district that I represent don't want this and I previously have mentioned to you that I will not vote in accordance with this request and this package. I will vote for a lower tax in order to take care of the employees in the hospitals, State Hospital and the Pineland, and this is it. I am going according to what my people want.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I have sat here and I have been listening to all the proponents in regard to a major increase in spending. Are you as responsible legislators feeling the pulse of the nation as a whole? The Federal Government has just raised its interest rates to banks to 8 ½ per cent. This is definitely a move to curb inflation.

It will also be noted that President Nixon is being criticized at the present time in his effort to continue the surtax. Unless he curbs spending the surtax will not be accepted by a Democratic Congress. The Stock Market is on a decline. This should give you a good signal with regard to the nation's feelings.

Yet here we are proposing an additional inflationary spending program not in line with the rest of the country. We cannot pay for this package in any type of taxes and the people are close to the breaking point of taxation.

I urge you to vote at this time against all increases in additional State spending.

Thereupon, House Amendment "A" to House Amendment "D" was adopted.

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

Mr. JALBERT: Mr. Speaker, I move that this item lie on the table until the next legislative day.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert moves

that this matter be tabled until the next legislative day pending the adoption of House Amendment "D" as amended by House Amendments "A" and "B" thereto.

Mr. JALBERT: Mr. Speaker, has House Amendment "A" to House Amendment "D" been adopted?

The SPEAKER: The answer is in the affirmative.

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

Mr. BENSON: Mr. Speaker, I move that this item be tabled until the next legislative day, specially assigned for 10:00 A.M.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson moves that this matter be tabled until the next legislative day and made a special order of the day for ten o'clock in the morning, which requires unanimous consent. Is there objection?

(Cry of "Yes")

The Chair hears objection.

Mr. JALBERT: Mr. Speaker, I move that this item lie on the table until the next legislative day.

Thereupon, tabled until tomorrow pending the adoption of House Amendment "D" as amended by House Amendments "A" and "B" thereto.

Orders of the Day

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

Mr. SUSI: Mr. Speaker, I move that House Paper 1217, L. D. 1549, Bill "An Act Increasing the Gasoline Tax," which was tabled until later in today's session, be taken up at this time out of order.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that on page three of your House Advance Calendar, item ten be taken up out of order, which requires unanimous consent. Is there objection? The Chair hears none.

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

Mr. SUSI: Mr. Speaker, we have on this bill that we are now considering a motion to insist. I hope that you will vote against the motion to insist. I have talked with several concerning this and get a definite feeling that people are dissatisfied with the Highway Depart-

ment even to the extent that some have told me that they get heart-burn every time they see one of those orange trucks.

Now I can sympathize with this feeling and I will admit that at times I have shared it. However, during this session I think we have been blessed with an exceptionally competent Highway Committee who are well aware of the very problems that we are concerned with in the Department and that this Committee has made a good faith effort in moving towards correction of these problems, and I would hope that you would not vent your dissatisfaction in the Department by committing us now to what I consider to be unreasonable financing of our Highway budget.

Either we pass our 2 per cent increase or we will be increasing considerably the level of bonding in order to cover these expenses or, if we have to reduce our Highway budget, members of the Highway Committee indicate to me that the reductions will have to be made at the community level on those expenditures rather than the expenditures on construction which involve 50 per cent up to 90 per cent of federal funds, which the Committee is most reluctant to reduce, and we can sympathize with them in it.

I now urge that you vote against the motion to insist. Thank you very much.

The SPEAKER: Is the House ready for the question? The pending question is the motion of Mr. Rideout of Manchester to insist on our former action. All in favor will vote yes; those opposed will vote no.

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

Mr. DUDLEY: Mr. Speaker, I just come in from the hall and I thought this was settled this morning but apparently while I was gone you have reconsidered and now you are talking about a two cent gas tax. I assume that if this motion passes, am I right in assuming that if this motion passes, we have voted for a two cent gas tax?

The SPEAKER: The Chair would advise the gentleman that if you vote to insist you undoubtedly will

join in a Committee of Conference with the upper body.

Mr. DUDLEY: Well, it was my understanding this morning we voted to adhere and that is the only sure motion that I can think of that this House should take by their vote. On many occasions here every time we have voted we have voted for a one cent gas tax and if we stick to what we are thinking we will eventually vote to adhere and against this motion.

The SPEAKER: The Chair would advise the gentleman that his memory does not serve him correctly. The House did not vote to adhere this morning.

Mr. DUDLEY: What was it we voted for this morning, Mr. Speaker?

The SPEAKER: A roll call vote to recede and concur was lost.

Mr. DUDLEY: I see. Thank you very much. Then I ask the House to please once more this time vote not for this particular motion.

The SPEAKER: All in favor of insisting will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

22 having voted in the affirmative and 103 having voted in the negative, the motion did not prevail.

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

Mr. SUSI: Mr. Speaker, is the motion in order to recede and concur?

The SPEAKER: The Chair would advise the gentleman the roll call vote this morning was lost, to recede and concur.

Mr. SUSI: Parliamentary inquiry. There is possible now, only certain motions, would you list them to me please?

The SPEAKER: The Chair would advise the gentleman that if he so desires he may move that we reconsider whereby we failed to recede and concur if the House is in the position and willing to do so

Mr. SUSI: I so move. I move that we reconsider.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi moves that the House reconsider its action this morning whereby it failed to recede and concur.

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

Mr. RIDEOUT: Mr. Speaker that is about the only thing I am sure of right now. If we vote against the motion to recede and concur—no, wait a minute.

The SPEAKER: The Chair must apologize because the gentleman from Pittsfield did not vote on the prevailing side. Therefore his motion is not in order.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I move we adhere.

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

Mr. SUSI: Mr. Speaker, we are really caught up in it here now, ladies and gentlemen, but I hope that you vote against the motion to adhere. I don't know what to do if you go with me after that but I do hope you vote against the motion to adhere.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Without expressing any opinion on the merits of this controversy, I want to suggest to you that we are all going to go down the parliamentary drain pipe if you persist at this point in taking a vote on these various motions. Therefore, I am going to suggest to the gentleman from Manchester, Mr. Rideout, in his usual openhanded and fair manner, that he might table this matter until the next legislative day in order that we can find out what the appropriate motions are.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think we have hassled with this long enough. The weather is getting hot, and it is going to probably get even hotter tomorrow. Now if you will please bear with me for one more vote and we adhere to our former action, which on many occasions has been for a one cent gas tax, if you are going to keep fooling around there are those of us that

will vote for one are not going for any.

At the present time I will still go for a cent gas tax. In order to get it we must vote to adhere to our former action and the motion has been made.

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

Mr. JALBERT: Mr. Speaker, in my opinion, if we are going to — and I thought after yesterday afternoon I was all done with parliamentary procedures for a little while — but I think if you go along with this motion to adhere, we are killing the whole bill; there will be no tax at all. Mr. Speaker, I would ask that we vote against the motion to adhere and then Mr. Susi can make his motion and if we want to we can kill that and that puts that to sleep and we are back with one cent.

Now I hope that we do not vote to adhere. That comes on Mr. Susi's motion made by himself or me or somebody else. Then we will put that to sleep and then we are back to one cent.

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

Mr. GAUTHIER: Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER: The gentleman may make his inquiry.

Mr. GAUTHIER: If we adhere, are we going back to our previous action of one cent on the gasoline tax?

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

Mr. DUDLEY: Mr. Speaker, let me attempt to answer that question. If we adhere, we are saying to the other body we are for one cent gas tax and no more. We are saying we adhere to our former action and this is all we are going to talk about — one cent. Now it is up to them to make the next move, not us.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker I move that we table this matter for one legislative day.

Mr. Jalbert of Lewiston requested a vote.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that this matter be tabled for one legislative day. A vote has been requested on the tabling motion. All in favor of this matter being tabled until the next legislative day will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

61 having voted in the affirmative and 67 in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, if we adhere we are killing this bill in its entirety. I hope you will vote against the motion to adhere and then another motion will be in order.

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

Mr. MORESHEAD: Mr. Speaker, I would like to make a parliamentary inquiry as to what the result will be if we do adhere.

The SPEAKER: The gentleman from Augusta, Mr. Moreshead, poses a question through the Chair as to what the position of the bill will be if the House adheres. If the House adheres to its former action it will be in the adoption of House Amendment "A".

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, having made the motion to adhere. I find that on my House order of business the top motion is the motion to recede, which has failed. Then we get down to a motion to insist, which has failed. The next motion down the line and the last one in the order, according to the slip that I have, is to adhere. I personally want no increase on the gasoline tax. I have been willing to compromise and come up to one cent. I do not want this thing killed. And I would certainly ask the Chair that if in fact we are killing this thing, I would wish to be granted permission to withdraw my motion.

The SPEAKER: The Chair would advise the gentleman that in the opinion of the Chair, if we adhere

to our former action, it is in the adoption of House Amendment "A".

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

A vote of the House was taken.

53 having voted in the affirmative and 76 in the negative, the motion did not prevail.

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

Mr. SUSI: Mr. Speaker, parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. SUSI: Mr. Speaker, as I understand it, the Chair ruled that I did not vote on the majority on some vote. Were you referring to the recede and concur vote this morning?

The SPEAKER: The Chair was referring to the receding and concurring vote this morning which was a roll call vote.

Mr. SUSI: Mr. Speaker, the second question, in order for a reconsideration motion to be made now on the recede and concur motion of this morning, it would have to be made by someone who voted in the majority this morning on the recede and concur vote.

The SPEAKER: On the prevailing side, that is correct.

Mr. SUSI: May I now debate the bill?

The SPEAKER: The gentleman may debate the merits of the bill.

Mr. SUSI: Mr. Speaker and Members of the House: There are people in this body at this time who have voted in effect towards the adoption of a two cent gas tax this afternoon, who this morning voted with the majority. If one of those persons would be so kind as to stand and move for reconsideration on the recede and concur vote this morning, I think we would be out of our parliamentary mess. Thank you very much.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was on the prevailing side. I intend to stay

with the one cent anyway. Out of courtesy, however, I now move that we reconsider our action whereby we receded and concurred this morning; and vote against me.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that the House reconsider its action of earlier in the day whereby receding and concurring failed of passage.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: We have been through an awful morass on this. All I would like to say is I have sponsored the amendment to provide for a one cent gasoline tax. Many of you have supported me loyally through it and I know that there has been any number of pressures on you. I would hope that you would vote against the motion to reconsider so that we can still stay at the one cent gasoline tax level.

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

Mr. SUSI: Mr. Speaker and Members of the House: Just to set the record straight, those of you who support a two cent gas tax, I would ask that you please vote in favor of the motion made by Mr. Jalbert to reconsider. Thank you.

Mr. Curtis of Bowdoinham requested the yeas and nays.

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

Mr. MILLS: Mr. Speaker, I am somewhat confused. Is the motion to reconsider or is it to recede and concur, sir?

The SPEAKER: The motion is to reconsider whereby receding and concurring failed this morning.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am going to try to ask you once more kindly, if you do vote to reconsider, you are in a sense voting for a two cent gas tax. I don't believe that is the intention of the House. At least I hope it isn't. And so I would ask you, please do not vote to reconsider. We settled that this

morning by a reasonably good margin and we will be back where we started this morning if we do. So I would ask you very kindly to vote against the motion to reconsider.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I have not spoken on this subject. But I was a member of the Taxation Committee that heard all of the proposals before our Committee and I signed in favor of a two cent gas tax because if we do not do this, we then have to go to more bonding. We are taking a gamble this time on the bonding because the voters may be well tired of going to more bonding. If they should turn it down, then the cities and towns would really be hurting in the road improvement around their area. And I hope that you vote to reconsider your action.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Just to set the record straight, my motion was out of courtesy. I move to reconsider but I hope you vote against my motion; I repeat myself.

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

Mr. MORESHEAD: Parliamentary inquiry. If this motion fails, a motion to reconsider our action whereby we failed to insist would be in order, is that not correct?

The SPEAKER: That is correct.

Mr. MORESHEAD: And if that motion prevails we would be in favor of a one cent increase in the gas tax?

The SPEAKER: The Chair would advise the gentleman and the House, if you reconsider receding and concurring, that will be the pending question. You will have an opportunity to vote on whether you shall recede and concur or whether you shall not.

Is the House ready for the question 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 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 reconsider its action of earlier today whereby it failed to recede and concur. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

Roll Call

YEA — Allen, Baker, Benson, Birt, Bourgoin, Bragdon, Brown, Burnham, Casey, Chick, Clark, C. H.; Corson, Croteau, Cummings, Curran, Curtis, Dam, Erickson, Evans, Farnham, F a u c h e r, Fecteau, Finmore, Fortier, A.J.; Frasel, Hall, Harriman, Haskell, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K.F.; Kelley, R.P.; Lawry, Lee, L e i b o w i t z, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, Martin, McNally, McTeague, Mills, Mosher, Nadeau, Norris, Page, Payson, Porter, Quimby, Richardson, G. A.; Richardson, H. L.; Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Susi, Thompson, Trask, Tyndale, Vincent, Waxman, White, Williams, Wood.

NAY — Barnes, Bedard, Berman, Bernier, Binnette, Brennan, Buckley, Bunker, Carey, Carrier, Carter, Chandler, Cote, Couture, Crommett, Crosby, Cushing, D'Alfonso, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Eustis, Gauthier, Giroux, Good, Hanson, Hardy, Hawkins, Henley, Heselton, Hunter, J a l b e r t, Jameson, Kelleher, Keyte, Kilroy, Laberge, Lebel, LePage, Marquis, McKinnon, Meisner, Millett, Mitchell, Moreshead, Morgan, Noyes, Ouelette, Rand, Ricker, Rideout, Rocheleau, Sheltra, Soulas, Starbird, Stillings, Tanguay, Temple, Watson, Wheeler, Wight.

ABSENT— Boudreau, Clark, H. G.; Coffey, Cottrell, Cox, Danton,

Fortier, M.; Foster, Gilbert, Juras, Pratt, Santoro.

Yes, 73; No, 65; Absent, 12.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-five in the negative, the motion to reconsider does prevail.

The pending question is to recede and concur.

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

Mr. COTE: Parliamentary inquiry.

The SPEAKER: The gentleman may pose it

Mr. COTE: Doesn't it take a two-thirds vote for reconsideration?

The SPEAKER: Reconsideration on the same day only requires a majority vote.

The pending question is, shall the House recede and concur?

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

Mr. SUSI: Mr. Speaker and Members of the House: I hope you will support the recede and concur motion. Thank you.

Mr. Rideout of Manchester requested the yeas and nays.

The SPEAKER: The yeas and nays have been requested.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Please do not be alarmed by people talking about big bond issues, because we don't need them either. And we are talking about a gas tax—and there are those of us here that would like to see the Highway Department brought up to date financially. I am one of those. I believe that \$6 million should bring them up to date. And possibly more if I read to you from this morning's Portland paper and it is a well known fact that the estimates are already up a million dollars. We are going to give them \$4 ½ million and a cent raise in the gas tax. This is up a million already this year and the year has only started. July and August is when we get our heavy traffic and when we really sell gasoline.

Now some people want to make the bond issue big, big enough so the people will vote it down. That will be all right too because I am sure we are going to be back here in special session. At that time it

is easy enough to put on another cent on the gas tax, but it is not going to be necessary. By then you can see how much the estimates are going to be.

Right now you have just got to take the word of what has come out so far. Up to now it's over a million dollars. I have it here on my desk. I read it to you this morning. And I would still like to support a cent gas tax. And if you keep fooling around, there is an awful lot of us here that is not going to vote for any gas tax, and it takes a hundred and one. But I would like to see the House vote the same as we did this morning for a one cent gas tax and in that case we cannot go along with the motion of the gentleman from Pittsfield, Mr. Susi, because he stands for a two cent gas tax. And that is about all I have to say and I hope the motion will prevail for a one cent gas tax eventually.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Before the Committee on Highway I committed myself to a one cent gasoline tax. Now I intend to keep the word I gave that committee. I have done so. Now there is no chance possible that I can see that you can ever reach one hundred and one votes on that board, and when you don't reach one hundred and one votes on that board and you wind up with a two cent gasoline tax there are two things that are very apt to happen.

One is the signature in the corner office, a possible veto, because that is the message we got during the Legislature; and two, the very most assuredly—and I assure you that I would join in initiated referendum. You are positive to face one or the other. So why not settle just like some of us do on matters that we go along with all at once—Bam, out it comes from underneath us and we have to accept it. Why not settle with a cent before you wind up with nothing? And if you don't settle for a cent, that is exactly what you will wind up with. And when the vote is taken, I ask for the yeas and nays.

The SPEAKER: The yeas and nays have been requested.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I will be extremely brief. The only thing I will refer to is that Mr. Ross has made the comment that the people are sick of bonding. The people are also sick of taxes going up, and I think one cent is enough. I hope you will vote with me on this motion.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: I want to tell you people once more what will happen if we get just a one cent gas tax and the people turn down what will have to be at least a \$20 million bond issue. You will either cut the program back \$20 million on the federal highway program, which is the 90-10 matching funds or the 50-50 matching funds, or you will completely wipe out the services to the communities which include snow removal and all of the building programs that the communities have carried on.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise in support of Mr. Susi. I think I have been quite conservative all during this session. But I do not like this idea of increasing the bond issues. I would rather be on a more or less pay as you go basis and while this cannot be done a hundred percent, if this two cent gasoline gas tax will help, then I am all for the two cent gasoline tax, and that is the way I am going to vote and I hope the rest of the members vote the same.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think probably a few remarks have been made this afternoon in regard to the action of the Chief Executive if the gas tax were raised to two cents. I have not inquired of the Governor

if he would ultimately veto a two cents gas tax. The question that I have asked the Governor is what will happen to the Highway program if we vote a one cent gas tax and there is only a 10 or 12 million dollar bond issue. He said, "Naturally I would be opposed to reducing the highway program from a \$21 million bond issue with the recommended one cent in the gas tax. What this will do to the highway program you can only come back two years from now and find out that some of the things that you thought might have been done is not going to be done.

I would sincerely and humbly recommend to the House that if the two cent gas tax is acted on by this body and the other body and before his desk that he would not veto the tax measure.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I know what the result would be but I would like to ask this question so the House would know, isn't it true that in the final enactment to this if you do make it two cents, isn't it true that you have got to have two-thirds vote, 101 votes?

The SPEAKER: The gentleman from Enfield, Mr. Dudley poses a question through the Chair. He is directing the question to the Chair. The Chair would advise the gentleman that this requires a two-thirds vote of the House, of all the duly elected members of the House, if it is an emergency measure.

Mr. DUDLEY: Mr. Speaker, this is where they are going to run in trouble with a two cent gas tax, so you better vote for one and save the day.

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

Mr. SUSI: Mr. Speaker and Members of the House: To remove any question in your mind on this question of emergency and two-thirds vote, there is an emergency preamble on the bill but it obviously can be removed so that Majority vote could enact the bill.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: We have all been chasing our parliamentary tail around and around the corner here but I want to suggest to you that the suggestion made by Mr. Dudley from Enfield is a two-bladed axe. Here is one representative to this Legislature who will not vote for a bond issue to pay for Current Services in the Highway budget and you can disguise it and call it highway maintenance — that is when they only deepen the road by eight or ten feet on each shoulder, or whatever else you want to, but this is the kind of dilemma we are in. It is for this reason that I hope that we would follow Mr. Susi's advice which I think is excellent. I don't think you should be buffaloed by any talk about emergency legislation because a one cent gas tax applied to the present budget in my judgment involves a serious question as to whether or not we are bonding to pay for Current Services, and that is where a lot of us who happen to be disagreeing with the gentleman from Manchester, the gentleman from Enfield, draw the line.

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

Mr. ALLEN: Mr. Speaker and Members of the House: If there ever was a time when we shouldn't sell bonds this is it, with the prime rate at 8½ per cent, with United States government bonds giving a yield of better than 6 per cent the State is going to have to pay an awful lot for the money it borrows. If there ever was time we ought to raise this tax to two cents, now is it.

Mr. Dudley of Enfield was granted permission to speak a third time.

Mr. DUDLEY: Mr. Speaker, I only want the people of this House to know that I too am not for a big bond issue. I would be the last man in this House to vote for a big bond issue. I am one of those in this House that says if you give this department \$6 million more than they had last time with the possibility of getting more than the estimates and spending some of their surplus, this is what I propose

to do. They are eliminating \$7 million of bonds and I don't think it would be unreasonable to put \$7 million back on and then they would be where they are or even ten. Beyond a \$10 million bond issue, I wouldn't vote for either.

These people are trying to scare you with an 18 or \$20 million bond issue. They are trying to build roads twenty years from now. I want to build roads for today, not twenty years from now. Twenty years it will take care of itself; I want to look after today's needs. And I say to you as honest members of this House if you could give these departments each one of them another \$6 million; I don't know, \$6 million don't seem to be any money nowadays around here but it is still a lot of jack where I come from, 6 millions of dollars.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi that the House recede and concur on Bill "An Act Increasing the Gasoline Tax," House Paper 1217, L. D. 1549. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Bedard, Benson, Birt, Boudreau, Bourgoin, Bragdon, Brown, Burnham, Casey, Chick, Clark, C. H.; Corson, Croteau, Cummings, Curran, Curtis, Dam, Evans, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fraser, Hall, Hanson, Harriman, Haskell, Hewes, Hichens, Huber, Immonen,

Johnston, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Leibowitz, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marsteller, Martin, McNally, McTeague, Meisner, Mills, Mosher, Nadeau, Norris, Page, Payson, Porter, Quimby, Richardson, G. A.; Richardson, H. L.; Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Snow, Susi, Thompson, Trask, Tyndale, Waxman, White, Williams, Wood.

NAY—Barnes, Berman, Bernier, Binnette, Brennan, Buckley, Bunker, Carey, Carrier, Carter, Chandler, Cote, Couture, Crommett, Crosby, Cushing, D'Alfonso, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery Erickson, Eustis, Gauthier, Giroux, Good, Hardy, Hawkens, Henley, Heselton, Hunter, Jalbert, Jameson, Kelleher, Keyte, Kilroy, Laberge, Lebel, LePage, Marquis, McKinnon, Millett, Mitchell, Moreshead, Morgan, Noyes, Ouellette, Rand, Ricker, Rideout, Rocheleau, Sheltra, Soulas, Starbird, Stillings, Tanguay, Temple, Vincent, Watson, Wheeler, Wight.

ABSENT—Clark, H. G.; Coffey, Cottrell, Cox, Danton, Fortier, M.; Foster, Gilbert, Jutras, Pratt,

Yes, 76; No, 64; Absent, 10.

The SPEAKER: Seventy-six having voted in the affirmative and sixty-four in the negative, the motion to recede and concur does prevail.

Orders of the Day

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

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

Tabled—June 10, by Mr. Scott of Wilton.

Pending — Passage to be engrossed.

On motion of Mr. Scott of Wilton, retabled pending passage to be engrossed and assigned for later in today's session.

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

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

Tabled—June 10, by Mr. Cox of Bangor.

Pending — Passage to be engrossed.

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

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

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

Tabled—June 10, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

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

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

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

Tabled—June 10, by Mr. Dennett of Kittery.

Pending — Passage to be engrossed.

On motion of Mr. Dennett of Kittery, under suspension of the rules, the House reconsidered its action of June 5 whereby Committee Amendment "A" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of June 5 whereby Senate Amendment "A" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-518) was read by the Clerk.

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

Mr. DENNETT: Mr. Speaker and Ladies and Gentlemen of the House: I owe it to this House to briefly explain what this new amendment attempts to accomplish. I think it straightens out everyone's, or those who did have objections to this pilot's bill, I think it overcomes all the objections. There is actually three pages here telling what it does, but I won't make any attempt to read it. The hour is late, but I will touch on a few high spots.

Number one of course, where we have indefinitely postponed Senate Amendment "A", this was rather a peculiar amendment which assessed a fine on the masters or the owners of a vessel if they inadvertently carried a pilot to sea. The original portion of the bill read that they would have to pay the pilot \$75 a day. Now not only Senate Amendment "A", but this entire section has been eliminated and there will be no payment to carry pilots to sea or neither will there be any fine on masters or owners of the vessels.

There were some who offered objections to the effect that this formed a small union, it only affected four men. This figure has been changed and enlarged so it will allow for twelve pilots to be on the river should the trade increase and it be necessary. So it is no small union or it is no closed shop. It further, rather than putting all the duties on a Pilots Commission, it places the pilots under title 5 of the hearing commissioner just like other agencies of the state. If there are grievances; they are hailed before the administrative hearings commissioner and they are on the same level with all others in the law.

There have been some other technicalities straightened out and the bill now is really in a very very good condition and I don't think anyone would have any

objections. I now move, Mr. Speaker, that this bill be passed to be engrossed.

The SPEAKER: The pending question is the adoption of House Amendment "A". Is this the pleasure of the House?

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I simply would like to ask Mr. Dennett, if he cares to answer, whether or not it is the same four men that are going to determine whether anyone gets to be a pilot so that we can get up to this figure, up to twelve. I didn't see anything in the amendment that indicated this. I could very well have missed it.

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

Mr. DENNETT: Mr. Speaker, no, these four men would not determine who would be pilots, it would be the pilotage board which would be appointed by Governor and Council that would determine who the pilots would be.

Thereupon, House Amendment "A" was adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

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

Tabled — June 10, by Mr. Berman of Houlton.

Pending — Passage to be engrossed.

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

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

Bill "An Act Establishing a Full-time Administrative Hearing Commissioner" (H. P. 1252) (L. D. 1577)

Tabled—June 10, by Mr. Rideout of Manchester.

Pending—Motion of Mr. Hewes of Cape Elizabeth to reconsider passage to be engrossed as amended by House Amendments "A" H-493 and "B" H-506.

The pending motion to reconsider prevailed.

On motion of Mr. Hewes of Cape Elizabeth, under suspension of the rules, the House reconsidered its action on June 10 whereby House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HEWES: Mr. Speaker, I now move the indefinite postponement of House Amendment "B".

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves the indefinite postponement of House Amendment "B".

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: If you look at House Amendment "A" H-506, my amendment, that was adopted on the bill on June 10, exactly what this amendment does, it takes away from the bill a precedent that is being established on section 2 of the bill on page 2, where by an act of the Legislature the hearing commissioner would be appointed by the Legislature for seven years. I think this is establishing a very bad precedent. I will not debate the merits of the bill. I think the merits of the bill itself is a very good thought, but to establish the precedent that the Legislature, not the Governor and Council, will do the appointing and confirmation of an appointment for seven years is very much in error. So therefore, I hope you will vote against the motion to indefinitely postpone the amendment.

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

Mr. HEWES: Mr. Speaker and Members of the House: In support of the pending motion to indefinitely postpone the amendment, I wish to point out that L. D. 1577, by that bill we are creating a new full-time administrative hearing commissioner. At the present time he is a part-time man, a gentleman named Mr. Robinson

from Lewiston, and this bill would provide for a full-time hearing commissioner.

I feel that the Legislature, in creating this new full-time position, has the right to exercise the right of saying that the high caliber service that this man has shown will continue in office. Now as a practical matter, the part-time hearing commissioner will, if this bill becomes a law, will close his private law practice in Lewiston and devote full time to the work this summer. And as you know, in the summertime he has a busier work load as a hearing administrative officer, and I would respectfully suggest that you vote in favor of indefinite postponement of House Amendment "B".

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I wholeheartedly agree and endorse the remarks made by the gentleman Mr. Hewes, because I think we are sadly in need of a full-time commissioner. That part of it I have absolutely no quarrel whatsoever. However, I feel, like other appointments that are made for seven years or four years, that the Executive Branch of the government should and must have a say as to the appointment and its confirmation. I don't think that the action taken by the Legislature for this type of an appointment—and I completely endorse the philosophy behind the purpose of this document, and certainly the gentleman in question as a hearing commissioner for a full-time basis is an excellent idea, but I think the method in which we are asking this person to serve for seven years by a legislative act rather than the other procedure for the other departments of seven year terms, should be and must be appointed by the Chief Executive with the confirmation of the Council.

And I think probably if this procedure is accepted by the members of the House and the other body, that this bill in its entirety will be acceptable with the exception of the last paragraph. I will ask for a division when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I would direct a question through the Chair to the gentleman from Madawaska, Mr. Levesque, with his knowledge of the corner office, can he guarantee us that the Governor will in fact nominate this gentleman who is now holding the job?

The SPEAKER: The Chair would advise the House and the gentleman that under the rules of procedure, we must not use the persuasion of the body of the Chief Executive to influence the members of this body.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: Just to try to clarify a point in the bill, the administrative hearing commissioner shall be appointed by the Governor with the advice and the consent of the Council henceforth, except in this first instance it assures that the present hearing commissioner will be appointed and the continuity of the office will continue. Now it does not detract from the authority of the Chief Executive after the first seven-year term.

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

Mr. JALBERT: Mr. Speaker, is the motion now to reconsider our action whereby we adopted House Amendment "A"?

The SPEAKER: The motion now before the House is the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that House Amendment "B" be indefinitely postponed.

The gentleman may proceed.

Mr. JALBERT: Mr. Speaker, I would go along with the gentleman from Cape Elizabeth, Mr. Hewes. This measure was presented by me. This measure was held in the Committee on State Government for over three months. There were several discussions that I know were held on it. It came out of the Committee on State Government which is made up of five Republicans and five Democrats

with the unanimous "ought to pass" as is. And I certainly hope that the motion of the gentleman from Cape Elizabeth, Mr. Hewes will prevail.

The SPEAKER: Is the House ready for the question? A vote has been requested. All in favor of the 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.

77 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

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

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

Mr. LUND: Mr. Speaker, My intention was to debate the bill.

The SPEAKER: The gentleman may reconsider whereby this bill was passed to be engrossed.

Mr. LUND: I move that the House reconsider its action whereby this bill was passed to be engrossed in order to debate the bill.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves the House reconsider its action whereby this bill was passed to be engrossed as amended. The Chair will order a vote. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

57 having voted in the affirmative and 35 having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The pending question is this bill be passed to be engrossed.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I do not intend to debate against this bill. I am sorry we had to reconsider it in order to make a point. But there is a point here to be made, and I hope that the House might take note of it.

This bill would take a presently part - time job, which as I read the bill pays \$11,000, and would

convert it to a full - time job at a salary of \$19,500.

I have no quarrel with the idea of making the administrative hearing examiner a full - time job, because indeed it needs to be. I think a person who is hearing the type of cases that Mr. Robinson is hearing ought not to be required to engage in private practice while deciding these matters. I note, however, that this measure, which was reported by the gentleman from Kittery, Mr. Dennett on behalf of the unanimous Committee on State Government did set a salary of \$19,500 for a job which is now presently a part - time job.

I would like to point out to the House that this is the salary scale which this committee apparently determined was appropriate and I would also like to point out the disparity between this salary level and the level at which our Maine district court judges are now being paid at the rate of \$15,000 for a job that is now full time and has been full time for a good many years.

As I say, I am not opposed to the passage of this bill. I am not prepared to say that \$19,500 is too much to pay the hard working gentleman who will carry out these duties, but I do think that passage of this bill is an insult to the judiciary of this state.

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

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

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

Tabled — June 10, by Mr. Benson of Southwest Harbor

Pending — Motion of Mr. Dudley of Enfield to reconsider passage to be enacted.

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

Mr. BERMAN: Mr. Speaker, I notice my neighbor Mr. Dudley is temporarily out of the Hall of the House and I would hope that one

of his many good friends would extend him the usual courtesies.

Whereupon, on motion of Mr. Richardson of Cumberland, retabled pending the motion of Mr. Dudley of Enfield to reconsider passage to be enacted and assigned for later in today's session.

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

MAJORITY REPORT (6) — 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" H-512 and **MINORITY REPORT (4)** reporting "Ought not to pass"

Tabled — June 11 by Mr. Susi of Pittsfield.

Pending — Acceptance of either Report.

On motion of Mr. Susi of Pittsfield, retabled pending acceptance of either Report and specially assigned for tomorrow.

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

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

Tabled — June 11, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

House Amendment "A" (H-521) was read by the Clerk and adopted and the Bill was passed to be en-

grossed as amended and sent to the Senate.

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

An Act relating to Services of Premises Not Licensed Under the Liquor Laws (H. P. 1223) (L. D. 1555)

Tabled — June 11, by Mr. Stillings of Berwick.

Pending — Passage to be enacted.

On motion of Mr. Chandler of Orono, retabled pending passage to be enacted and specially assigned for tomorrow.

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

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

Tabled — June 11, by Mr. Ross of Bath.

Pending — Motion of Mr. Cote of Lewiston to substitute the Bill for the Report.

On motion of Mr. Ross of Bath, retabled pending the motion of Mr. Cote of Lewiston to substitute the Bill for the Report and specially assigned for tomorrow.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.