

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

Monday, June 16, 1969

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

Prayer by the Rev. Mr. Allen Short of Augusta.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Maine Education Council established pursuant to Chapter 452 of the Public Laws of 1967 is authorized and directed to study the impact of parochial school closings on the economy of the State; and be it further

ORDERED, that the Maine Education Council submit a written report of its findings, together with any necessary recommendations and implementing legislation, at the next regular or special session of the Legislature (S. P. 499)

Came from the Senate read and passed as amended by Senate Amendment "A" thereto as follows:

Amend said Order by striking out everything and inserting in place thereof the following:

'ORDERED, the House concurring, that the Legislative Research Committee is directed to study the impact of parochial school closings on the economy of the State; and be it further

ORDERED, that the State Department of Education is directed to provide such technical advice, information and other needed assistance as the Committee deems necessary to carry out the purpose of this Order; and be it further

ORDERED, that the Committee submit a report of its findings, together with any necessary recommendations and implementing legislation, at the next regular or special session of the Legislature.'

In the House, the Order was read. Senate Amendment "A" (S-262) was read by the Clerk. The

Order was passed as amended by Senate Amendment "A" thereto in concurrence.

Reports of Committees

Ought Not to Pass

Covered by Other Legislation

Report of the Committee on Natural Resources on Bill "An Act Creating the Surficial Materials Conservation Act" (S. P. 314) (L. D. 1024) reporting "Ought not to pass", as covered by other legislation.

Came from the Senate read and accepted.

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

Non-Concurrent Matter

An Act Increasing the Number of Official Court Reporters (S. P. 137) (L. D. 434) which was passed to be enacted in the House on April 29 and passed to be engrossed on April 24.

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

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

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises and for Preservation of Certain Business Enterprises (S. P. 391) (L. D. 1316) which was finally passed in the House on June 6 and passed to be engrossed as amended by Senate Amendment "A" on June 4.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A", "B" and "C" in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act relating to Salaries of Legislative Research Committee Officials" (H. P. 43) (L. D. 44) on which the House accepted Report "B" of the Committee on State Government reporting "Ought to pass" and passed the Bill to be engrossed as amended

by House Amendment "A" on June 12.

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

In the House: On motion of Mr. Dennett of Kittery, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Providing for Annual Revision of State Valuation" (H. P. 100) (L. D. 108) which was passed to be engrossed in the House on February 25.

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

In the House: On motion of Mrs. Baker of Orrington, the House voted to insist and ask for a Committee of Conference.

The SPEAKER: The Sergeant-at-Arms will escort the gentlemen from Southwest Harbor, Mr. Benson to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Benson assumed the Chair as Speaker pro tem and Speaker Kennedy returned to his seat on the Floor of the House.

Non-Concurrent Matter

Bill "An Act to Revise the Pharmacy Laws" (H. P. 1175) (L. D. 1496) which was passed to be engrossed in the House on May 8.

Came from the Senate passed to be engrossed as amended by Senate Amendments "B" and "D" in non-concurrence.

In the House:

On motion of Mr. Kennedy of Milbridge, the House receded from engrossment.

Senate Amendment "B" (S-198) was read by the Clerk and adopted in concurrence.

Senate Amendment "D" (S-242) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, I move the indefinite postponement of Senate Amendment "D" and would speak to my motion.

The SPEAKER pro tem: The gentleman from Milbridge, Mr.

Kennedy now moves the indefinite postponement of Senate Amendment "D".

The gentleman may proceed.

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I would call your attention to Senate Amendment "D", in section 1. "It shall not be unlawful to use generic drugs or ingredients rather than the brand names mentioned in the prescription." Ladies and gentlemen, this is a revision of the pharmacy laws of the State of Maine and I stand here with some trepidation for fear that we might lose the entire revision. However, the present pharmacy laws on the Statutes of the State of Maine as far as I am concerned are in good shape. Now every activity in the state does like to have revisions. Now if I jeopardize this revision I could care not because this amendment is the most irresponsible instrument that I have seen in my experience as a State Legislator.

Now mind you under this particular section, if it is amended, that it shall not be unlawful for a pharmacist to substitute a generic drug for a brand name drug. This endangers the health and welfare of the citizens of the State of Maine in my candid opinion. I have documented evidence here I think to bear out my claims but I won't take the time here to spend a great amount on this ridiculous amendment. I am afraid that the author of this instrument perhaps like the cobbler should stick to his last. This is a highly technical problem and I feel that this should be dispensed with in a hurry.

Now we are in the field of health and I am a member of that team, have been for a great number of years, and being a member of that team I have seen many people in our mental institutions who set themselves up under the misconception that they are Christ incarnate on earth. Now I don't think that this is true in this particular case. However, they might set themselves up to be because of the do-goodism of this particular amendment.

It goes on to say down under section 3, "The pharmacist's fee for

professional services rendered shall be fair and equitable, commensurate with his professional knowledge, skill and care in the compounding of prescriptions and the rendering of other professional services. Discounts to the blind, disabled and those suffering from any terminal illness and volume discounts shall be deemed fair and equitable under this section." This is a real exercise in semantics.

Now what is commensurate professional fees for knowledge, skill and care in the compounding of prescriptions? I just question this body as to the relevancy of such a statement. Are all professions in the State of Maine set up under the guidelines that they shall be remunerated for their professional skills and knowledge in the particular fields in which they are engaged? If it wasn't so ridiculous I think I would continue, but it is so ridiculous that I won't continue.

Let's go back to the term of "generic drugs." This is a complicated subject to delve in unless one engages in this. I would suggest to you that I might use a chemical compound and get me a pill machine and in one particular instance I might use an excipient known as sugar of milk and grind out thousands upon thousands of pills. Now just because that particular chemical compound is in this particular excipient doesn't mean that this chemical compound is going to have the efficacy of a drug that has been tried and tried by the major manufacturers of drugs in this country who have had clinical trials on both animals and human beings prior to this drug coming on the market to serve humanity.

It has been suggested in some bodies of the State Legislature that the drug companies are becoming extremely wealthy at the expense of the citizens who are ill.

I have seen, as an individual, the greatest revolution in medical history that this country or the old world has ever know. For instance, the year I was born, was the first successful abdominal surgery in this country where a person lived through it. Now I recognize, and many of you do, that I am an old

man but, still, that wasn't a great long time ago was it? In this day and age there are organ transplants in the human body. How has this come about? It has come about through research, and to do research we must have funds to do it.

Every industry in this nation, in the competitive system that we enjoy, makes money. And we accept this as a way of life. But I would also remind this body that these great companies channel back a tremendous amount of this profit to do research for the final benefit of mankind.

I would cite to you just one drug alone. The year that I entered my profession insulin was unknown to mankind, but one of our own native Maine men, a man by the name of Dr. Best who was from my county originally, joined in with Dr. Banting in Toronto, Canada and did experimental work to the final effect that today and for many years you have had what is known as insulin. And this is an extract from the islands of Langerhans in the pancreas. This is what burns the sugar in your system if you aren't able to tolerate it and you are spilling it forth and ruining your physique because of an excess amount of sugar.

This is merely one example, but I could go on and on, with Dr. Fleming discovering penicillin. He was an Englishman, but he discovered this and produced it from the so-called raw material, the yeast that makes penicillin. But it took this great nation of ours here in America to develop this synthetically. They broke it down and used the chemical to produce penicillin.

Penicillin hasn't been known to this country for a great number of years, because as you recall it was discovered in World War II, which was about 1940. By 1950, ten years later, any individual in this country could receive penicillin, a life-saving antibiotic. And this goes on and on down the scale. But we wouldn't have these great chemical compounds for the benefit of the ill in this country had we not had research.

Now if we delve into the ridiculousness of this amendment, the

great industry of this nation would not only be prohibited from doing research for the advancement in medical skills for the people of this nation and this world, we would be grinding out like they did back in the dark ages, of going around the country and selecting herbs and so forth and so on and using the raw material. I say that this is an unscrupulous procedure and if you think for one minute that I am speaking against this for personal reasons I can assure you that I am. However, if there was a personal interest involved here I would be in great support of this amendment, because I might not be unscrupulous but I at least could purchase the inferior drug products with the same chemical ingredient, but not using the exact trademark drug that my position as a pharmacist of the physician that writes for the public in my community, I could be using inferior drugs and charging tremendous amounts over and above the cost of this.

To prove to you the irresponsibility of this particular author of this Amendment I would call your attention to one that was defeated in the Senate and that is Senate Amendment "C", and it says at the very bottom of the page on Senate Amendment "C" — "No registered apothecary shall sell prescription drugs at a markup of more than 100 per cent of the cost of such drugs except that in lieu thereof in any prescription \$1.65 may be charged as a professional fee." I don't say to you ladies and gentlemen that this is an exorbitant sum of money for a professional man to charge, but I call your attention to the many many prescriptions that are filled in this state for one dollar. The pharmacist is not getting a great professional fee when he sells this particular prescription for one dollar but he must be making a profit, and should he charge \$1.65 over and above his cost this would be exorbitant to the patient receiving the medication.

I say to you ladies and gentlemen that this is very irregular, highly irresponsible, and I do hope that you will support me in the

indefinite postponement of this ridiculous amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It came as a complete surprise to me, even after spending some ten pleasant minutes as I do usually in the morning with the Speaker in his office, that he got off the rostrum to speak on this amendment. I had no knowledge of it; however, I certainly have knowledge of the amendment. And in order to prove, at least from my own personal experiences, in order to prove the wisdom of the words of the gentleman from Milbridge, Mr. Kennedy, I must speak about my own personal situation. And because I am deadly serious about it and because I speak not for any personal recognition in any way, it would be perfectly proper with me if any representatives of the press would withhold my comments.

My personal situation involves me into having nineteen different kinds of tablets, pills and capsules; four of them I carry on me all the time, one of them that is distributed into various locations that I have spent some time on because of the fact that if I didn't take it within ten minutes after I need to take it could be fatal to me.

I left here Friday noontime upon the advice of my surgeons and I entered the hospital and left at 7:30 this morning to come here. My situation is one of emphysema on this lung, two thirds of this lung gone with no emphysema on it, a very serious blood condition. At my age I even suffered an appendectomy two years ago. I could enumerate—I will cut it short by saying I have been hit with everything but pregnancy.

However, one thing I want—I want the best in the hospital; I get the best. I want the best in surgery; I have the best. As a matter of fact, I called him God on earth. One thing that I know that I want and I need is this—when my surgeon or any of your physicians or surgeons leave you after a visit of maybe five or ten minutes, because that is all he can

spare you, my own surgeon had over thirty patients in the St Mary's Hospital last night; nine more went in for surgery yesterday afternoon; so that he had to see them, he couldn't spend a great deal of time with me.

Now I am at the mercy of the nurse; I am at the mercy of medicine. And believe you me it doesn't make any difference with me how much the prescription is, and I never saw anybody that said—in this State at least, that he failed to get the proper medication; and I was more than happy to include in Part II of the budget the hundreds of thousand dollars that we did for the Health and Welfare for drugs and medication. But I will tell you this right now. It behooves me that some people would like to declare themselves experts in every field. I am not the expert on law; I am not the expert certainly in medicine, and I restrict myself this morning to medicine. When I call for a prescription, that prescription must be filled by a registered pharmacist. If he makes a mistake for any one of us who has the prescription, we could well be gone.

Believe it or not my friends, over the last three years, a tickling situation started in my throat, so that a capsule was somehow manufactured or gotten together through research which would stop that situation. Believe it or not, because it could cause internal bleeding an anti-sneeze capsule has been developed and I assure you of one thing, that when I have to take any medication God bless those who did the research and God bless those who helped me to stand right here.

I do not speak with personal emotion; I speak for the protection of all the others, and I say that of all the amendments, of all the pieces of legislation that I have seen stroll through this House I have never seen anything so deadly and so obnoxious as this one here, and I certainly concur with the gentleman from Milbridge, Mr. Kennedy.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: As Chairman of the Health and Institutional Services Committee we heard the original draft of this pharmacy bill, which was L. D. 1048. During that time we ran into so many problems that we decided as a committee to have a redraft of this bill, which was done and the legislative document then became number 1496.

Since May 7 of this year this L. D. 1496 has been sitting in the other body. Changes over there have been so radical and so many that I have been receiving literature every day for the last twenty days, and I just want to give you an idea of what I have been getting. "In Section 2805, practice of pharmacy as described in this bill is vague, indefinite, uncertain and very confusing." I received twenty-five letters in regards to this from pharmacists. From two hospitals I received in regards to 2805—"Pharmacy as written would exclude such pharmacies in hospitals." 2803, from pharmacists themselves "license to be displayed in a pharmacy for forty hours and pharmacists to be present. This can close a one-man drugstore operator in case of illness or for other emergency reasons."

Because of this heavy weight of material and all other reasons I have heard today, I would now move that L. D. 1496 and all its accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The Chair would inform the gentleman that the only thing before the House at the present time is the amendment.

The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker and Members of the House: I do hope that the House will not indefinitely postpone the entire bill, but I do hope that they will support the indefinite postponement of the amendment.

Now many studies have been done relative to the subject matter of this amendment on the national level and in a letter from the National Academy of Sciences,

the National Research Council in Washington, has commented that it cannot—"it cannot be safely assumed that just because two drugs meet United State pharmacopoeia and national formula standards they will act identically in the body."

I pointed this out earlier in my discussion to the effect that it depends considerably on the excipient that is used because many of these chemicals are so low in weight that you might not even be able to see them without a microscope, so therefore they do need an excipient; they do need a binder so that an individual will have something to swallow. And I hope that the entire bill will not be destroyed. If the indefinite postponement of the amendment does do this in the upper body we still have safe pharmaceutical statutes on the books, but I do hope that we may be able to save this revision because there are some things in the revision I think that will be of benefit to the citizens of the State of Maine.

Mr. Jalbert of Lewiston requested a roll call.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Milbridge, Mr. Kennedy that Senate Amendment "D" to House Paper 1175, L. D. 1496, Bill "An Act to Revise the Pharmacy Laws" be indefinitely postponed. The gentleman from Lewiston, Mr. Jalbert has requested the yeas and nays.

In order for the Chair to order the yeas and nays it must have the affirmative desire of one fifth of the members present and voting. Those members desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER pro tem: The pending question is on the motion of the gentlemen from Milbridge, Mr. Kennedy to indefinitely postpone Senate Amendment "D." If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Allen, Baker, Barnes, Beldard, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brown, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Couture, Crommett, Croteau, Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Fecteau, Finemore, Gauthier, Gilbert, Giroux, Good, Hall, Hanson, Hatzkell, Hawkens, Henley, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Jameson, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Kennedy, Keyte, Kilroy, Laberge, Lebel, Lee, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Stillings, Susi, Temple, Thompson, Trask, Tynedale, Vincent, Watson, Waxman, Wheeler, White, Wight Williams, Wood.

NAY—None.

ABSENT—Brennan, Coffey, Cottrell, Cox, Crosby, Curran, D'Alfonso, Danton, Dyar, Fortier, A. J.; Fortier, M.; Foster, Fraser, Hardy, Harriman, Heselton, Jutras, Lawry, Leibowitz, Mills, Norris, Ross, Santoro, Sheltra, Snow, Starbird, Tanguay.

Yes, 123; No, none; Absent, 27.

The SPEAKER pro tem: One hundred twenty-three having voted in the affirmative and none in the negative, Senate Amendment "D" is indefinitely postponed.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "B" in non-concurrence and sent up for concurrence.

At this point Speaker Kennedy returned to the rostrum.

(Off Record Remarks)

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

Non-Concurrent Matter

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education" (H. P. 952) (L. D. 1228) and Minority Report reporting same in a new draft (H. P. 1232) (L. D. 1565) under same title and that it "Ought to pass"

on which the House accepted the Majority Report on May 29.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed as amended by Senate Amendments "A" and "B" in non-concurrence.

In the House:

On motion of Mr. Millett of Dixmont, the House voted to recede and concur with the Senate.

The New Draft was then given its two several readings.

Senate Amendment "A" (S- 233) was read by the Clerk and adopted in concurrence.

Senate Amendment "B" (S-237) was read by the Clerk and adopted in concurrence and the New Draft assigned for third reading tomorrow.

Messages and Documents

The following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR

Augusta

June 13, 1969

To the Honorable Members of the Senate and the House of Representatives of the 104th Legislature

I have considered House Paper 944, Legislative Document 1205, An Act Establishing the Bureau of Geology and Mineral Resources within the Forestry Department, and have decided to return it to the Legislature without my signature.

In examining this bill, and in comparing it with the present laws on the Division of Geological Survey, I find that L.D. 1205 proposes little more than the moving of the Division from one depart-

ment to another without a ny change in function or increase or decrease in personnel or funds. Most of the language in L.D. 1205 repeats existing statutory provisions that describe the work of the Division of Geological Survey. Existing law also provides that the State Geologist shall serve as administrator for the Maine Mining Bureau. L.D. 1205 simply restates that responsibility in slightly different language.

Under these circumstances I can only have serious reservations about the purposes of this legislation and its value. I have been offered no explanation of how the transfer might increase the effectiveness of the Division in carrying out its work. Indeed, according to L.D. 1205, and according to present law, the Division is instructed to promote the development of the mineral potential of the state and assist any mining company interested in exploring the mineral resources of the state. This function of the Division is explicitly related to the economic development of our state. On this functional basis alone, the presence of the Division of Geological Survey in the Department of Economic Development seems far more logical than its presence in the Forestry Department, which is principally responsible, under our laws, for the general management and control of all lands owned by the state, not otherwise provided for by law.

Historically, in fact, the office of the State Geologist has been associated with the state's economic development efforts. The Maine Development Commission annually allotted some funds to the State Geologist for geological exploration. In 1955, when the Maine Development Commission became the Department of Development of Industry and Commerce, the office of the State Geologist was assigned to this newly organized department, and his responsibilities were defined in terms similar to those now in use.

I do not wish to suggest that there is any single proper place for the Division of Geological Survey to be located. The organiza-

tion of our state departments must be subject to constant review and necessary change. Indeed, there is now a Task Force at work studying government reorganization proposals, including the possibility of a Department of Natural Resources that would consolidate the activities of those agencies now dealing with conservation and the protection of our fish and wildlife. Such a recommendation, which I hope, is forthcoming from the Task Force, would be supported by careful study and objective documentation. It would be recommended only after thorough discussions with the agencies affected. It would give Legislature a sound basis for deciding whether the proposal served the interests of increased efficiency and service to the people.

In summary, I believe the possible future of a Department of Natural Resources should include more agencies and functions than does this present bill. I believe there is need for further objective study for the need of the proposed change and all of its consequences. There would seem to be little benefit in moving a division from one department to another with little change in the function or scope of the department.

Given this background, I have been forced to conclude that the transfer proposed by L.D. 1205, without further study, serves no clearly useful purpose.

I therefore request that my action disapproving L.D. 1205 be sustained.

Respectfully submitted,
(Signed) KENNETH M. CURTIS
Governor

The Communication was read.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I would make one comment since this is my bill, that I view this veto message with mixed emotions; one, I am disappointed it is vetoed but secondly, I am very happy to join such luminaries as Mr. Martin and Mr. Ross in having the veto message directed to them.

Thereupon, the Communication was placed on file.

The SPEAKER: The pending question now is, shall this Bill become law notwithstanding the objections of the Governor?

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think the message that is before you this morning has been read by every member of the House so I don't think it is necessary for me to go into great details as to why the Chief Executive felt that this type of legislation at this stage is not necessary. I think it is indicated in the message that at some future date if there should be a Natural Resources organization or reorganization in the State of Maine that this may be very well considered as changing the geologist from the Department of DED to another committee that will work with the entire development of our state.

So I think probably the members of this House this morning see the merits or the demerits of changing the geologists from their present status although to remove them from the present Department of Economic Development to the Department of Forestry is not necessarily the best area that it should be going into. So therefore I hope without any great dissertation on our part this morning that we will sustain the Governor's veto and possibly in the very near future we will have some reorganization and we will be able to use the geologists for the overall betterment of our development in the State of Maine. So therefore when the motion is made to sustain the message of the Governor that the members of this House will see fit to sustain the message. Thank you.

The SPEAKER: The pending question is, shall this bill become law notwithstanding the objections of the Governor? According to Article IV, Section 2 of the Constitution the yeas and nays are in order. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor you

will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Berman, Birt, Bragdon, Brown, Buckley, Bunker, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cummings, Curtis, Cushing, Dennett, Donaghy, Durgin, Erickson, Finemore, Good, Hall, Hanson, Hawkens, Huber, Immonen, Lee, Lewin, Lewis, Lincoln, Lund, Marstaller, McNally, Meisner, Millett, Moreshead, Mosher, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Wood.

NAY — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Cote, Couture, Crommett, Croteau, Dam, Dri-gotas, Dudley, Eustis, Farnham, Faucher, Fecteau, Gauthier, Gilbert, Giroux, Hewes, Hichens, Hunter, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, MacPhail, Marquis, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Ouellette, Ricker, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler, Williams.

ABSENT—Coffey, Cottrell, Cox, Crosby, Curran, D'Alfonso, Danton, Dyar, Emery, Evans, Fortier, A. J.; Fortier, M.; Foster, Fraser, Hardy, Harriman, Haskell, Henley, Heselton, Norris, Noyes, Rocheleau, Ross, Santoro, Sheltra, Starbird.

Yes, 63; No, 61; Absent, 26.

The SPEAKER: Sixty-three having voted in the affirmative and sixty-one in the negative, the House has sustained the Governor's veto.

Orders

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

Mr. JALBERT: Mr. Speaker and Members of the House: With a very deep sense of sorrow, humility

yet pride I present a Joint Resolution to honor the memory of His Excellency, Percival P. Baxter, former governor of the State of Maine, and move its adoption.

Thereupon, the following Joint Resolution was read by the Clerk: WHEREAS, Thursday, June 12, 1969 marks the passing of former Governor Percival P. Baxter, one of the State of Maine's greatest benefactors; and

WHEREAS, man is born to die, his works are short lived, buildings crumble, monuments decay, wealth vanishes, but Katahdin in all its glory forever remains the mountain of the people of Maine; and

WHEREAS, his diligent and patient efforts have provided the people of succeeding generations a living example of what life in Maine was "in the good old days" before the song of the woodsman's axe, and the whine of the power saw was heard in the land; and

WHEREAS, his generous gifts completing Baxter State Park, which contains in excess of 7 wildland townships or 302 square miles, have been accomplished over a period of 30 years since he left the Governorship; and

WHEREAS, his departing message as the curtain falls on this Legislative session and his life's work, express his love for the State of Maine, her fair land and fine people, her mountains and forests with the beasts and birds therein, her rugged shores and clear waters, all blessings that God has conferred upon us for which we should be thankful; now, therefore, be it

RESOLVED: That the Members of the Senate and House of Representatives of the One Hundred and Fourth Legislature assembled, inscribe this token of our enduring affection and esteem for his memory and acknowledge the word of this State given by Act passed by the Legislature and signed by the Governor is as sacred a pledge and trust of his gifts as man can make, and as time passes the People of Maine will more deeply appreciate this Park and the wisdom of the state never to break these trusts; and be it further

RESOLVED: That the conscience and soul of Maine further attest to the fine public spirit of his life and benefaction by inscribing this Resolution in the 1969 Laws of Maine. (H. P. 1266)

The Joint Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

The SPEAKER: The Chair would request the members of the House to stand a moment out of silent respect to our departed benefactor and Governor.

Whereupon, the House stood for a moment of silence.

Mrs. Brown of York presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the feasibility of providing necessary clerical and staff assistance for members of the House and Senate; to examine the problems involved including the number of staff and clerical assistants required, a suitable means of supervision of such staff and its clerical activities and the availability of accessible office facilities; and be it further

ORDERED, that the Bureau of Public Improvements is directed to provide the Committee with such information relative to use of space or other assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report its findings and recommendations including appropriate legislation at the next regular or special session of the Legislature. (H. P. 1267)

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

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

Mr. LUND: Mr. Speaker, calling the attention of the House to item two on page one, I move that the House reconsider its action whereby it accepted the report of the Committee on Natural Resources "Ought not to pass" as covered

by other legislation on Bill "An Act Creating the Surficial Materials Conservation Act," Senate Paper 314, L. D. 1024.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Lund of Augusta to reconsider and assigned for later in today's session.

Passed to Be Engrossed

Bill "An Act to Allow the Chief Liquor Inspector to Continue in his Position Beyond the Mandatory Retirement Age" (H. P. 1253) (L. D. 1589)

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

Third Reader

Tabled Until Later in Today's Session

Bill "An Act Providing for the Conservation and Rehabilitation of Land Affected in Connection with Mining" (H. P. 1270) (L. D. 1598)

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

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

Mr. DONAGHY: Mr. Speaker, I understand that an amendment is being prepared on this and I wonder if someone would please table it until later in the day's session.

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

Third Reader

Tabled Until Later in Today's Session

Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council (H. P. 1271) (L. D. 1600)

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

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

Amended Bill

Bill "An Act to Amend the Charter of the City of Portland" (S. P. 379) (L. D. 1289)

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

Emergency Measure Failed of Enactment

An Act Increasing the Gasoline Tax (H. P. 1217) (L. D. 1549)

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

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen: I move the suspension of the rules for purposes of reconsideration.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi moves that the rules be suspended for the purpose of reconsideration. Is there objection?

(Cries of "Yes")

The Chair hears objection. This requires a two-thirds vote. The pending question is suspension of the rules which is not debatable. All in favor of the rules being suspended will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

72 having voted in the affirmative and 55 having voted in the negative, 72 not being two thirds, the motion to suspend the rules did not prevail.

Thereupon, Mr. Susi of Pittsfield moved that it be passed to be enacted.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 74 voted in favor of same and 55 against, and accordingly the Bill failed of passage to be enacted and was sent to the Senate.

Passed to Be Enacted

An Act to Correct Errors and Inconsistencies in the Public Laws Relative to Sea and Shore Fisheries (S. P. 71) (L. D. 193)

An Act Altering Formula for Retirement under State Retirement System (S. P. 480) (L. D. 1558)

An Act relating to Installation of Sprinkler Systems in Hotels (H. P. 260) (L. D. 336)

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.

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

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

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

Mr. FECTEAU: Mr. Speaker and Ladies and Gentlemen of the House: All I would like to say this morning is a few remarks. If I knew that this subsidy would guarantee a better education for the children of the State of Maine even if the City of Biddeford doesn't really receive its share, I would vote for it.

Let me give you an example of what happened. I talked to my city officials. Even though we are only receiving a minimum amount of subsidy, the majority of our school teachers will receive from ten to twelve thousand dollars next year for teaching. Now if we have trouble like this in our city, how is it in other places in the State of Maine? We have a lot of teachers that have been with us for eight, nine or ten years; they don't want to leave our place, we're not worried about that. But still they are fighting for higher wages and probably the education is suffering.

Last week there was mentioned of the grant that we might receive from the federal, and some of the members here mentioned that they wouldn't want any strings attached to it. Well I ask you this morning to think about that and if you feel that you still want to vote for this subsidy go right ahead, but I am going to vote against it because I really think that it isn't really a more equitable way of spreading help to the cities and towns.

So I hope that all those from cities and towns where they would

receive a better amount from the bloc grants so-called would vote with me this morning against the subsidy.

The SPEAKER: Is the House ready for the question? All in favor of this Bill being passed to be enacted will vote yes —

Whereupon, Mr. Fecteau of Biddeford requested a roll call.

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

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

The SPEAKER: The pending question is the enactment of item five on your calendar, L. D. 1586. If you are in favor of the enactment of this bill you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Bedard, Benson, Berman, Bernier, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Buckley, Burnham, Carter, Casey, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Couture, Crommett, Croteau, Cummings, Curtis, Dam, Dennett, Drigotas, Dudley, Emery, Erickson, Evans, Farnham, Faucher, Finemore, Fraser, Gauthier, Gilbert, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Hichens, Huber, Immonen, Jalbert, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewis, Lincoln, Lund, MacPhail, Marstaller, Martin, McKinnon, McTeague, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, White, Wight, Williams, Wood.

NAY—Binnette, Bunker, Carey, Carrier, Chandler, Cushing, Don-

aghy, Durgin, Eustis, Fecteau, Giroux, Good, Hewes, Jameson, Kelleher, Lee, Marquis, McNally, Nadeau, Ricker, Rideout, Rocheleau, Snow, Tanguay, Wheeler.

ABSENT—Coffey, Cottrell, Cox, Crosby, Curran, D'Alfonso, Danton, Dyar, Fortier, A. J.; Fortier, M.; Foster, Harriman, Heselton, Hunter, Lewin, Moreshead, Norris, Ross, Santoro, Sheltra, Starbird.

Yes, 104; No, 25; Absent, 21.

The SPEAKER: One hundred and four having voted in the affirmative and twenty-five in the negative, the Bill is passed to be enacted. It will be signed by the Speaker and sent to the Senate.

Orders of the Day

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 sent to the Senate by the Clerk, no motion to reconsider shall be in order.

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

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

Tabled—June 11, by Mr. Jalbert of Lewiston.

Pending — Passage to be engrossed.

On motion of Mr. Richardson of Cumberland, tabled 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 relating to Salaries of Jury Commissioners and County Officers in the Several Coun-

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

Tabled—June 11, by Mrs. White of Guilford.

Pending—Motion of Mr. Wight of Presque Isle to indefinitely postpone House Amendment "C" (H-517).

Mr. Kelley of Machias withdrew House Amendment "C" (H-517).

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

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

Mr. MEISNER: Mr. Speaker, would I be in order to present an amendment?

The SPEAKER: The Chair would advise the gentleman that this matter is tabled until later in today's session, at which time the amendment can be offered.

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

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

Tabled—June 11, by Mr. Hewes of Cape Elizabeth.

Pending—Passage to be enacted.

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

Mr. BERMAN: Mr. Speaker, I move that this item be passed to be enacted.

Whereupon, on motion of Mr. Carter of Winslow, tabled pending passage to be enacted and assigned for later in today's session.

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

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

Tabled—June 11, by Mr. Levesque of Madawaska.

Pending—Final Passage.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I will try to be very brief this morning on this document that will grant the powers of the Legislature to recall itself back into session. It is my personal feeling that there may be an area that would necessitate the Legislature to call itself back into session providing that the Chief Executive either by airplane accident or highway accident would become disabled for an extended period of time and some of the State's activities might become in jeopardy, then I say that because of that and prolonged illnesses that there would be a need for a model piece of legislation to be before the House of Representatives and the other branch for us to take some affirmative action.

Although in this document here it provides that the Speaker of the House and the President of the Senate—and at this stage I would like to point out that this has no reflection on our present Speaker and President of the other branch, but I sincerely feel that if we are going to endeavor to do things of that nature that the legislation would be a little bit broader than—its present form, granted the President of the Senate and the Speaker of the House would in all instances call a meeting of the legislative leaders of both branches and both political parties before they would even attempt to go into special session. But it does not say that in the document. The document now in its present form only indicates that the two presiding officers will be able to call a special session.

This I don't think is an absolute necessity to change our Constitution to provide for this type of legislation, although I do sincerely see the need that should the Governor or the Chief Executive become disabled because of illnesses or because of accident that the Legislature would have or should have the power of recalling the Legislature into session; and there are model pieces of legislation that have been written in the last few years to take care of these problem areas.

So therefore I hope that when the vote is taken for final passage this morning that it will be taken by the yeas and nays and I certainly hope that the members of the House will vote against the motion for final passage because in its present form it would seem unacceptable. Thank you.

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

Mr. VINCENT: Mr. Speaker, this is Rodney Ross's bill and he is not present today. I would ask that this be tabled one legislative day.

The SPEAKER: The pending question is final passage.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Not out of any lack of respect for the gentleman from Bath, Mr. Ross, but I want to suggest to you that we are hopefully nearing the end of this session and I think that unless we are specifically requested by a particular member to table a matter because of his absence we should not do so and I have no such request from the gentleman from Bath, Mr. Ross.

I am not very sure whether the gentleman from Madawaska, Mr. Levesque is opposed to this bill or not. Let me say this, if you accept the argument that we should have annual sessions because any board of directors of a multi-million dollar corporation has to meet more than once every two years, and I am not sure I buy that argument, but if you buy that argument, how much more strongly must you accept the proposition that a board of directors that doesn't have authority to call itself into session is absolutely powerless.

The fear of using the Legislature as a forum or a platform from which to attack the Governor of another party should not lead our incumbent governor or his Floor leader in the House to reject a proposal which has been adopted by so many other states and has proven itself to work out. The wheels of legislative reform grind

exceeding slow and exceeding thin but I would like to see us at least in this session recognize that we as Legislators must have the power to handle our own business in an intelligent fashion or we are just not going to get anywhere. Many of the matters that come before us are matters which deserve special study and yet time and again the study report comes in after the old legislature has gone out and the new one has been elected, the problems are new to many of the legislators and the recommendations come from lame duck committees.

The gentleman from Madawaska, Mr. Levesque knows just as well as I do that no presiding officers of both Houses would call a session under these circumstances which would require emergency legislation if there weren't in fact any emergency. He knows as well as I do that the meeting would have to take place, a meeting of the minds between the leaders of both parties in order to propose a program for a special legislative session. Fear, distrust and their related species aren't going to do anything for governmental reform in this State. The two parties at this time are divided in their hold on the Executive Office and on the Legislature and unless one trusts the other I can see no good opportunity for constructive change of our legislative process.

I urge every member of the House to vote for this bill. We have been castigated time and again for not effecting reform, if you can say that this is not a reform. We have been castigated time and again for our unwillingness to depart from the old way and to accept constructive and progressive changes. Well this is such a change and I would be very distressed to find the gentleman from Madawaska or any of the members of his party opposing this measure which is to strengthen the Legislature, to give us the tools to do the job we promised to do when we take the oath. I request a roll call, Mr. Speaker, and urge every member of the House to vote in favor of final passage of this Resolve.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As I have indicated lightly in my first remarks that we in the State of Maine have had some problems in the past that were one time or another taken care of. Either the problem was of such a nature that by the recommendations of the Majority Party or the Minority Party to the Chief Executive and that the area that needed to be solved, the Chief Executive and the Legislature have met in special session on several instances, two, three and four special sessions in one biennium. Unless there are any areas that we can think of right now that would become necessary, which I fail to see at this moment, that any problem that would arise in the State of Maine and is made known to the Chief Executive, whether this one or any other Chief Executive that would be responsive to the needs of our people, I feel very sure that the Chief Executive would take the recommendations of both political parties in recalling the members of the Legislature.

As I pointed out, with one bare exception that should it become necessary for the Legislature to call itself back in session because of the disability of the Chief Executive, and as I indicated there has been model legislation been drafted and accepted in other states, primarily in the midwest and the western states, but it is gradually coming towards the Eastern Seaboard.

So unless the gentleman from Cumberland, Mr. Richardson has got some specific areas that he can foresee problems other than that of the mental illness or incapacities of the Chief Executive, the recall by the presiding officers of both branches, I am sure that if they would make their recommendations to the Chief Executive there would be no problem in that area. Of course, we haven't had to debate that problem for the last hundred and fifty years or so, so I don't see that that this legislation in its present form is accept-

able, and it may very well be changed or amended to take care of the disability of the Chief Executive, or a Chief Executive, and it would most likely be acceptable. Thank you.

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

Mr. RICHARDSON: Mr. Speaker, I want to answer the suggestion made by the gentleman from Madawaska, Mr. Levesque, that there is no necessity for this legislation. I regret very much that this is taking on a partisan hue. I would have hoped that the Minority leader would have seen fit to support a change in our present operating procedures that is recognized by students of political science all over the country as being a necessary ingredient of legislative abilities to grapple with the problems that they are forced to face. A classic example, of which the gentleman from Madawaska is fully aware, is the case with respect to University of Maine capital construction.

The Chancellor of the University of Maine proposed a drastic reduction, in fact a moratorium, on truly non-emergency capital construction. He did so at the suggestion of several of us who felt that this wasn't the time to embark on necessary but not truly emergency capital construction requests. Yet when we accepted that we could make no commitment of any kind that we would call ourselves back into session and in an orderly fashion after review of capital construction priorities, again tackle the question of just what construction should be carried out at the University.

Now to leave this to the Chief Executive in his sole prerogative is in my judgment a very bad idea, not because of any foul motive on his part but because we the Legislature know what the problem is, we know how the study systems were set up, we know when we are going to be ready to take action, and under these circumstances we ought to be in a position to make a commitment that at a specific time and at a specific place we are going to meet and resolve these problems.

Now this is just one example and I think there are many examples that you can think of as you think of this situation. Now again, I think the opposition to this is borne out of an ill founded fear that the Majority Party, whoever it is in the future, is going to use the Legislature as a device to embarrass the Chief Executive if he happens to be of the opposite political persuasion, and in such an environment we can never have reform.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I did present this piece of legislation and at the public hearing I labeled this bill "the thinking man's solution to annual sessions." For years the subject of annual sessions has been the hue and cry of a great many persons. In my opinion this has been built up to very exaggerated proportions. Some have been led to believe that this would be the end-all solution to the extremely complex and complicated dilemmas found in modern state government. I have never believed this. I have always thought that these would only compound confusion and I shall cite but a few of my reasons.

It is now possible to find dedicated persons willing to sacrifice six months every year for our nominal salary of \$2,000. However, if they were asked to spend this time each year many qualified persons would be unable to take time off from their regular business. Some say that if we had annual sessions salaries would then be made commensurate with the time expended. This would be extremely costly and in my opinion we would not get better qualified legislators. To those who say it is difficult to budget for two years, I have only one comment. Our departments come up with enough new schemes for money every two years. Just think how they would grow if we opened up departmental negotiations annually.

However, I am cognizant of the fact that in a business as large as state government things come up that cannot wait one and a half years. For this reason we have

special sessions. To all intents and purposes we meet annually now. During Governor Muskie's second term we had four special sessions and only last year we met three times. This is now common practice and in my mind an excellent one. We meet normally for anywhere between one day and one week. The agenda is set by leadership. In this manner, with only a few important specific items to be considered, we can accomplish more in two or three days than we generally do in a month of regular session. In the final analysis I am a firm believer in special sessions as opposed to extended set date annual sessions.

However, at the present time only the Governor can call these. In all fairness if the Executive Branch has this authority the Legislative Branch should have the same prerogative.

The SPEAKER: The pending question is the final passage of L. D. 24. 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 on this matter 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 the final passage of Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary, House Paper 21, L. D. 24. If you are in favor of the final passage of this Resolve you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEAS — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cummings, Curtis, Cushing, Dennett, Donaghy, Dudley, Durgin, Erickson, Evans, Farnham, Fine-more, Good, Hall, Hanson, Hardy,

Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Jame-son, Johnston, Kelley, K. F.; Kel-ley, R. P.; Lee, Lewin, Lewis, Lin-cola, Lund, MacPhail, Marstaller, McNally, Meisner, Millet, Mores-head, Mosher, Noyes, Page, Pay-son, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Williams, Wood, The Speaker.

NAYS — Bedard, Bernier, Bin-nette, Boudreau, Bourgoin, Bren-nan, Burnham, Carey, Carrier, Carter, Casey, Coffey, Cote, Cou-ture, Crommett, Croteau, Dam, Drigotas, Eustis, Faucher, Fraser, Gauthier, Giroux, Hunter, Jalbert, Jutras, Kelleher, Keyte, Kilroy, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, Mc-Kinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Ouellette, Ricker, Tanguay, Temple, Vincent, Wat-son, Waxman, Wheeler.

ABSENT — Berman, Cottrell, Cox, Crosby, Curran, D'Alfonso, Danton, Dyar, Emery, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Gilbert, Harriman, Heselton, La-berge, Norris, Richardson, G. A.; Rocheleau, Santoro, Sheltra, Snow, Starbird.

Yes, 77; No, 50; Absent, 24.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty in the negative, seventy-seven not being two thirds, the Resolve fails of final passage.

Sent to the Senate.

The Chair laid before the House the fifth item of Unfinished Busi-ness:

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

Tabled—June 11, by Mr. Kelle-her of Bangor.

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

The SPEAKER: The Chair rec-ognizes the gentleman from Port-land, Mr. Brennan.

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: This bill would prohibit the

small loan companies from mak-ing any profits from the sale of credit and life insurance and thereby evade the already high rates set by statute for small loan licensees. This bill was debated for some time last week and the principal point made by my col-league to support the small loan companies' position is that the average borrower will be pre-vented from having the benefit of some form of insurance on his life or because of any disability. It really makes me feel very happy that my colleagues frame their argument in the interest of the poor borrower. But really when you look at this closely you will observe that the argument is a sham.

There isn't anything in L. D. 1352 that prevents loan companies from selling insurance. All it does is to compel them to sell the in-surance at a price as established in the open market. As it is now they are padding the cost for addi-tional hidden profit by charging a price which is much higher than that prevailing in the open market. It is this overcharging that we are trying to eliminate. We simply want to prevent any goug-ing of the public. The borrowers will still have insurance coverage but at a fair competitive price. As a matter of fact, the credit unions in this state provide this insurance at no cost whatsoever to the borrowers. Also there are many banks in this state that do the same thing.

Now it seems to me to be em-inently fair to permit these small loan lenders to gain the additional security which they say they re-quire by compelling the borrowers to purchase this insurance at a price which is consistent with the market level. In other words, the small loan lender should only be permitted to charge borrowers the same amount they had to pay for the policy as a true cost for in-surance protection and they shouldn't again be permitted to get around the high rates that would permit them to charge by statute.

My colleagues make the second point that abuses or unconscion-

able practices in this area were effectively eliminated by enactment of remedial legislation at our 1967 legislative session. There is no question that major changes were made. For one thing these companies were prohibited from selling personal property insurance, and I may add this was done because they were keeping 95 cents out of every dollar for profit, again avoiding the rates that are set by statute.

There were also certain restrictions imposed as to when and under what conditions they could sell disability insurance but there was nothing done from the point of view of preventing these companies from using credit insurance as a device for gaining additional compensation beyond the income they receive by charging interest as high as 30 per cent annually, which they can charge now on the first \$300.

As the annual financial reports of many of these major small loan companies reflect, their net income has been increased by an average of more than 30 per cent through the sale of credit insurance in nearly every small loan which they made. This is possible because they receive every conceivable profit from this transaction. They own and operate their own companies in many instances. They are the agent, they are the holder of the master policy, they are the principal beneficiary and the adjuster on all claims. As a result they profit first from charging the high interest rate that has already been mentioned, then they further profit by making the tremendous profit that they make in the insurance field.

Now Judge Gignoux of our U.S. District Court, who made a through study of this problem, was fully aware of our legislative changes of 1967 and nevertheless on August 2nd of that year after the Legislature had adjourned, long after these changes had been enacted and signed by the Governor, remarked and I quote, "The Court feels compelled to add that this record reveals abuses on the part of the lenders and insurers involved which cry out for immediate and effective regulatory action." Now he

was referring to the element of profit that these lenders receive by adding or inflating the premium beyond the cost for which they pay for this insurance. In other words, the insurance premium which the borrowers pay and padded by the lenders for additional compensation for their loans.

We should not have a high price for borrowers from small loan companies and another lower price for the rest of the people in this country as to the cost of credit insurance, simply for the purpose of providing the lender with a device for making additional hidden profits and this is what L. D. 1352 is all about. This is why I urge you to vote against the pending motion to indefinitely postpone. And when the vote is taken I ask that it be taken by roll call.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This bill L. D. 1352 was fully debated the other day. In case there is any question in your minds I want to assure you that I am not in sympathy or a booster of the small loan companies. I have tried honestly to report to you as best I can how the Committee decided that this bill should not become law. As I have already told you, before 1967 there were many abuses in the small loan laws, especially in regard to insurance premiums.

In 1967 the Legislature corrected this so if there is any illegal charge of insurance premium the loan will be rendered null and void and the law goes further and provides that the borrower shall be awarded attorney fees and their whole note be cancelled. Now the gentleman from Portland, Mr. Brennan, sounds very much like '67 to me because I have heard these arguments over and over again. The Court case that he referred to was the so-called Richards case that was filed back in 1962 and the judgment on this thing after the Court rendered its decision came in July, 1967, in which the Court also said at that time that the Legislature should take the proper action, which we already had, to close this loophole.

So I say that this legislation is unnecessary. It probably will do more harm to the borrower than to help him. I hope that you will support the motion for indefinite postponement.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: If you support this piece of legislation, all you will do is you will just block some loop holes for the small loan industry. You will prevent them from getting around the high rates they are already permitted to establish. It says quite categorically in the bill that they will not be allowed to profit from the sale of insurance and that they will have to make their living out of the high rates, as high as 30 per cent that has been permitted by this state.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I want to reiterate what the gentleman Mr. Scott, has said about this. I do not sell this, although I am in the business. The small loan companies will have to refuse this type of coverage if this law is passed, and if they do the customer or client of the small loans company cannot get it on the open market. Now this is a direct misstatement. It is not available on the open market; this is a group coverage, type of coverage. I wonder how many of you would like to be able to buy life insurance that is not underwritten, as far as your physical condition is concerned, at the rate of roughly fifty cents a hundred. Now this is a ridiculously low price and the small loan companies, like anyone else, must be paid for what they do and they do get some so-called profit, but a good part of it is in the cost of handling the papers on the insurance.

As all of you know who are in business today, it costs money to do business. You have to hire clerks and have rent and all this sort of thing, and it all costs money. And so when they take part of their time, naturally they should be re-

imbursed the same as anyone else that is in business.

I too have no great love for small loan companies and some of their actions, but certainly this feature has been cleaned up by our 1967 laws and if it wasn't this year, in this House, we have passed a new insurance code and it is certainly covered in here and I hope that you will not go along with this bill.

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

Mr. SCOTT: Mr. Speaker and Members of the House: I want to emphasize the point that the insurance rates are regulated by the Insurance Department at the present time and also, as the Bank Department goes around to examine the small loan companies, if they discover any over charges or violations in the insurance field, they are supposed to report these to the Insurance Commissioner for appropriate action.

The SPEAKER: The pending question is the indefinite postponement of item 5, L. D. 1352. The gentleman from Portland, Mr. Brennan, moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring that this vote be taken by the yeas and nays will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Wilton, Mr. Scott, that Bill "An Act relating to Small Loan Company Licensees," Senate Paper 396, L. D. 1352, be indefinitely postponed in non-concurrence. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Baker, Barnes, Bedard, Benson, Binnette, Birt, Bragdon, Brown, Buckley, Bunker, Carey, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cote, Couture,

Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Drigotas, Durgin, Emery, Erickson, Evans, Finemore, Fraser, Hall, Hanson, Hardy, Hawkens, Henley, Hichens, Huber, Immonen, Jalbert, Jame-son, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Lewis, Lincoln, MacPhail, Marstaller, McNally, Meisner, Millett, Morgan, Mosher, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ride-out, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, Wight, Williams.

NAY — Allen, Berman, Bernier, Boudreau, Bourgoin, Brennan, Burnham, Carrier, Casey, Coffey, Corson, Croteau, Eustis, Farnham, Faucher, Fecteau, Giroux, Hewes, Jutras, Lebel, Leibowitz, LePage, Levesque, Lewin, Lund, Marquis, Martin, McKinnon, McTeague, Mills, Mitchell, Moreshead, Nadeau, Ouellette, Ricker, Tanguay, Vincent, Watson, Waxman, Wheeler, Wood.

ABSENT — Cottrell, Cox, Crommett, Crosby, Curran, D'Alfonso, Danton, Dudley, Dyar, Fortier, A. J.; Fortier, M.; Foster, Gauthier, Gilbert, Good, Harriman, Haskell, Heselton, Hunter, Johnston, Kelleher, Laberge, Norris, Noyes, Santoro, Sheltra, Starbird, Temple, White.

Yes, 80; No, 41, Absent, 29.

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

Sent up for concurrence.

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

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

Tabled—June 11, by Mr. Jalbert of Lewiston.

Pending—Motion of Mr. Waxman of Portland to reconsider indefinite postponement.

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

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

House: I am having an amendment prepared right now which will have to be passed favorably upon by the Bond Council of the City of Portland, and rather than take the time of this body I will now withdraw my motion for reconsideration and have it acted upon in the Senate and then have it come back here at a later date. So I now withdraw my motion for reconsideration.

The SPEAKER: The gentleman from Portland, Mr. Waxman, wishes to withdraw his motion to reconsider. Is this the pleasure of the House?

The motion prevailed.

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

Bill "An Act to Grant Adult Rights to Persons Twenty Years of Age" (H. P. 1162) (L. D. 1484)

Tabled—June 11, by Mr. Corson of Madison.

Pending — Passage to be engrossed.

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

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

Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Twenty Years (H. P. 614) (L. D. 802)

Tabled—June 11, by Mr. Corson of Madison.

Pending—Final Passage.

On motion of Mr. Vincent of Portland, retabled pending final passage and specially assigned for tomorrow.

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

Bill "An Act relating to Charitable Organization's Immunity in Civil Actions" (H. P. 558) (L. D. 739) (In House, Report "A" "Ought to pass" accepted and Bill passed to be engrossed) (In Senate, Report "B" "Ought not to pass" accepted)

Tabled—June 12, by Mr. Berman of Houlton.

Pending—Further consideration.

On motion of Mr. Berman of Houlton, retabled pending further consideration and specially assigned for tomorrow.

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

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 a new draft (H. P. 1262) (L. D. 1592) under same title and that it "Ought to pass," Report "B" reporting same in a new draft (H. P. 1263) (L. D. 1593) under title of "An Act Creating a Human Rights Act for Maine" and that it "Ought to pass" and Report "C" reporting same in a new draft (H. P. 1264) (L. D. 1594) under same title and that it "Ought to pass."

Tabled—June 12, by Mr. Richardson of Cumberland.

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

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I think that Reports "A," "B" and "C" all contain good features, but in order to save the House a great deal of time I am going to suggest that we go ahead and accept Report "C" and give this bill its first two readings today so that it will be in position for an amendment on the next legislative day.

By suggesting this to you, I don't mean to imply that I wholly accept the proposals contained in Report "C." I don't feel that they give recognition to some areas that we must take account of, but I do feel that we can properly give this bill two readings today and amend it tomorrow.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Like the gentleman from Cumberland I feel that all of the reports do contain certain desirable features. However, in my own opinion, the Report "C" contains substantially

fewer of those desirable features than the other two reports.

I understand that Professor Halperin from the Law School has prepared a very fine analysis of all three of the reports that he has kindly submitted to the members of the State Government Committee, and he was kind enough to send me a copy. There is a lot here and although I certainly want to go home as much as anyone else, I would prefer that it be tabled again today, at least until this afternoon, and for that reason I would ask for a division on the tabling motion.

On motion of Mr. Berman of Houlton, retabled pending the motion of Mr. Rideout of Manchester to accept Report "C" and assigned for later in today's session.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: I think that—

The SPEAKER: The gentleman may not debate the tabling motion.

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

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

Tabled — June 12, by Mr. Levesque of Madawaska.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be enacted and specially assigned for tomorrow.

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

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

Tabled — June 12, by Mr. Levesque of Madawaska.

Pending — Passage to be enacted.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This document that is

presently before you is an entirely different document than was originally brought before the Committee, and I have discussed this measure with members who have now been working with the handicapped people of our state for at least fifteen years and they say the document in its present form is totally unacceptable as it would put additional burdens on people that are not necessarily interested in the actual placement of these people.

So therefore, if the people that are and that have been working with these handicapped people in the placement of these handicapped people under an agency, that feel that this is not a good piece of legislation, I don't know that we are going to be accomplishing very much. So I would ask the members of the Committee to briefly explain, if they so desire, their reason for changing this document to its present form where the members that are presently very much interested in placement and helping the handicapped feel that this is a very bad piece of legislation in its present form, and I will refrain from making a motion until some person or persons wish to explain the philosophy behind this bill at this particular stage.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I will endeavor to answer the gentleman's question. At the hearing, the primary interest in the people that were testifying, as I recall, was they wanted to have official status so that they could work with the President's Committee on Employment of the Handicapped, and we thought in all due honesty that by putting this bill out as we did we were accomplishing just that. Now if we did not and the people involved would rather not have this bill, I would be perfectly willing to move its indefinite postponement, and so do.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

An Act relating to Governmental Immunity in Civil Actions (H. P. 557) (L. D. 738)

Tabled — June 12, by Mr. Richardson of Cumberland.

Pending — Passage to be enacted.

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

Mr. HEWES: Mr. Speaker, parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. HEWES: Mr. Speaker, is the posture of this matter such that I may now move that we insist and request a Committee of Conference?

The SPEAKER: The Chair would advise the gentleman that this matter has gone beyond that point.

Mr. HEWES: Mr. Speaker, Members of the House: I respectfully ask that someone table this until later in today's session as there is an amendment which incorporates the other body's amendment and the committee's amendment in the process of being prepared.

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

The Chair laid before the House the fourteenth 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 12, by Mr. Scott of Wilton.

Pending — Passage to be engrossed.

Mr. Scott of Wilton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-530) was read by the Clerk.

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

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: You will recall that there have been two bills before us dealing with this Associated Hospital Service of Maine. L.D. 1047 expanded the authority of Blue Cross to write extended care, home care, dental coverage and so forth. The Bill before us here today is L. D. 1144, which deals with hospital discounts for regular insurers the same as Blue Cross and will require the payment of premium taxes by Blue Cross. These bills were both heard before the Business Committee and after careful consideration the Committee unanimously recommended that they be referred to the next Legislature and a special study be made by Legislative Research and reported to the next special or regular session.

The House substituted the extended care bill for our report, adopted the order for the study and accepted the committee report on the taxation bill. Action taken elsewhere substituted the taxation bill for the report and the House receded and concurred. So we have the bill before us now to tax Blue Cross the same as any domestic insurance company and give hospital discounts to regular insurers the same as Blue Cross, which places them on an equal competitive basis.

The State Tax Assessor discovered legal flaws in the bill. So the Attorney General has prepared this amendment under this Filing H-530. All this amendment does is provide for the taxation of Blue Cross on real estate and premium taxes the same as regular domestic insurers. They will still be permitted the regular hospital discounts which they now enjoy. So they will have a competitive advantage.

And I would appreciate your support in adopting this amendment. Thank you.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from South-west Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: The gentleman from Wilton, Mr. Scott, has

given you some of the history of the Blue Cross-Blue Shield bills, two of them in this session. The first one which we debated several weeks ago was the expanded services bill. And as a result of the expanded services bill, the commercial insurance people I believe decided that maybe the best way to kill the both of them was to put in a tax bill, a bill taxing Blue Cross and Blue Shield, kind of a counter measure, and then both of these measures would be sent to study, in effect killing the extension of the Blue Cross powers.

We have of course now that tax bill. Personally I think we should know a great deal more than we do as individuals about Blue Cross and Blue Shield before we decide to impose a tax on them. In 1939 the Blue Cross was founded — was enacted into law by the legislature as a non-profit organization and I think that before we decide that we should take them from their non-profit status, that we should tax them, we should know a great deal more than we do about them.

We have passed in this body an order which would send the subject matter of this bill to an interim study. This I think is right. It should be studied. We should know full well what we do before we do it. And it is for this purpose that I would move the indefinite postponement of this bill. I hope that we will have a good and thorough study of this measure, that we will find out exactly what the imposition of a tax on Blue Cross will do, and if we find that they in effect should be taxed, then fine, we will probably be back in special session and we can consider it at that time. I would be very much disappointed to see this Legislature tax this organization without really knowing the full effect of what it is doing.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: To approach this from a somewhat different direction, I think you should know a little bit more about the history of this. When the proposed corporate income tax was proposed there was

a question as to whether or not we were exempting from its operation foreign insurance corporations doing business in the State of Maine under our uniform allocation formula treatment. And if you think this is complicated, you are absolutely right.

Now at the present time foreign insurance companies pay 2 per cent gross receipts tax, as I call it, or a premium tax. Domestic insurance companies pay a one percent gross receipts, or premium tax. And when we propose levying a corporate income tax on foreign and domestic insurers, the representatives of our largest domestically based insurance company visited me at my home on a Sunday and spent two hours describing all the terrible side effects that would result if we were to impose a corporate income tax on foreign and domestic companies.

This is true because many foreign states have penalty clauses, retaliatory clauses, on them that would have meant that this particular domestic Maine company would have ended up paying a whopping amount in new taxes in other states because of the retaliatory features in other states' laws.

Now at that time we decided to exempt from the corporate income tax foreign and domestic companies. Then the question became, "What do we do with the gross receipts tax or the premium tax; should we eliminate the distinction between foreign and domestic companies? Should we raise the domestic companies from one to two per cent, which is the present tax we impose on foreign companies?" The thicket got thicker and the thorns began to stick out. The domestic company then came to us and said "well if you are going to do that, what about Blue Cross?"

And finally—as reluctant as we all are as legislators to admit it—finally the leadership in both parties arrived at the conclusion that we just don't know the facts. We don't know what effect increasing the domestic gross receipts tax from one to two per cent is going to have on the ability of this domestic company to com-

pete in the health field. Every other state, I believe, which has studied the question of taxing Blues has decided not to; or certainly most of them have. Certainly Connecticut did. I see the gentleman from Wilton, Mr. Scott shaking his head and apparently I am in error. But Connecticut did.

Now my point is, no matter where you stand on this tax—and I would love to have between two and four hundred thousand dollars in new revenue, believe you me—but no matter where you stand, we have an obligation to act when we have the facts. And if you accept this tax, you have no idea really what effect this is going to have on the domestic company involved, the principal one; you have no idea of what effect this is going to have on Blue Cross-Blue Shield costs.

Blue Cross-Blue Shield is a non-profit organization and I am sure many of you have received calls over the weekend; I know I have been deluged with them. We must not take action such as this. It could have serious effects on the ability of Maine people of low income to secure competent medical and health treatment unless we know what all the facts are.

It is for this reason that I have gone through all this trying to explain to you that it is a terribly complicated area, that we have got to have these facts before us before we take action. Now you might say, why did we expand the powers of the Blues? Why did we do that without at the same time considering the tax question? Well I don't know. We voted for it and this passed and we have enacted it.

But let's not really jump into the mud by putting a tax on a particular industry, or a particular segment of that industry, not having the foggiest idea of what we are doing; and therefore I support the gentleman's motion to indefinitely postpone. The next special session of the Legislature will have before it the study report and I think that will give us the facts which we have got to have in order to make an intelligent decision.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I am glad to hear the admission in the corner that they didn't have the foggiest idea what they were doing when they took action on giving full rights and powers to the Blues, as they were called.

There is something else involved here besides taxation, and that is regulation. These people get in millions of dollars of money from the small employees of the State of Maine and they are not regulated at all the same as other insurance companies either domestic or so-called foreign. And for your information, just in case you are thinking we are talking about someone from France or Switzerland or something like that, foreign in these terms simply means outside the State of Maine. And I feel that these people should be regulated just as much as either domestic or foreign, so-called, insurance corporations, and certainly they should be taxed because they are in competition with them I understand.

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

Mr. SCOTT: Mr. Speaker and Members of the House: I hesitate to get into this, such a smoke screen that has been raised by both parties of our leadership. I rise this morning as a member of the committee which heard the hearings on both the other bill that is now tabled in the Senate and this bill. And I feel a few facts can be stated at this time that are known, and there is no secret about them. I realize this weekend the high priced lobby for the Associated Hospital Service has planted false rumors in and about the State. But I can say here that the tax need not raise the cost of the Blue Cross Insurance to the people. Certainly when this organization has over \$6,000,000 in surplus, I believe it is not absolutely necessary that the cost be raised.

However, members of this House will remember the big bill that was passed, which I believe was

the largest bill ever to pass this House. In the preparation of this bill and the research that went into it over many months brought to light several inequities in our taxation in the insurance laws. One of these was the so-called Teachers' Insurance Annuity Association, or TIAA, and Blue Cross. I understand that the TIAA has now agreed to the taxation of their proper basis. However, the problem of the Blue Cross still remains.

The present one percent premium on domestic corporations would bring in over \$440,000 a year on their present basis without expanded services. With these it could go over a half million very shortly. Certainly the State of Maine, in a search for taxation, this is one area that must be considered and it doesn't need to wait for a study. Some twelve to thirteen states now do tax Blue Cross in some way; many other states are considering this thing. This is for the information of leadership, if they didn't know it.

Now insurance companies come like a woman in all sizes, some large and some small, some for profit and some for non-profit, for service without profit. Now I happen to work for a small non-profit insurance company, not in any way in competition with Blue Cross or the commercial carriers in that field. Over seventy years ago a group of Maine citizens banded together to provide themselves and their neighbors with fire and casualty insurance for farms and other types of property, that they could not then buy at all or at reasonable cost.

My company and some thirty other domestic Maine mutuals, although for non-profit—that is any profit is returned to the policy holder in reduced cost, do compete in a market place along with the commercial carriers. These domestic mutuals do provide a tremendous service to Maine I believe wholly as important as the Blue Cross in their field, in that we write at present approximately seventy percent of all the farms in the State of Maine and a large percent of the homes, stores,

churches, and schools. The Maine companies are almost the only ones that will provide insurance for the small home owner or the small farmer, or, if you will poultry farms and potato farms.

Now while Maine's domestic mutuals provide this service and compete in the market place with those companies that are profit companies, my companies in addition to sales tax, excise tax, unemployment tax and so forth do pay heavy real estate taxes. I understand that Blue Cross does not. We pay a personal property tax, in some cities and towns quite heavy. Blue Cross I understand does not. We pay this one percent premium tax which is completely dedicated to the operation of the insurance department—and incidently I understand the Appropriations Committee now feels that due to increased revenues under the big bill the Insurance Department does not need to go to the General Fund; Blue Cross does not pay anything to this support.

In addition my thirty fire companies in Maine that I am interested in do pay another dedicated revenue of one half of one percent to the State Fire Marshal which is the complete support of that department in the Division of Fire Prevention. And we pay income taxes and the surtaxes.

Now I feel, while I am not in competition at all with the Blue Cross, these facts should be stated to you and I feel that they must be faced in this State as they have been in a great many other states. Thank you.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: I agree with Mr. Richardson that the complexities of this bill are so great and the repercussions are so far-reaching that this really and honestly deserves a complete and comprehensive study for a report to the next special session, which probably will not be far from now. I support the motion to indefinitely postpone this bill and when the vote is taken I would ask for a roll call.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In support of the motion to indefinitely postpone this document this morning, the gentleman from Presque Isle, Mr. Scott, has pointed out that insurance companies are just like women, or ladies, some large, some small, and it seems to me one major difference between insurance companies and ladies or versus insurance companies, they are in the business for a profit and others are in the business as a non-profit organization. Like the ladies, between the non-profit and the profit organizations, ladies in some instances whether they are large or small have a tendency to get pregnant every now and then. And I don't think that this area of pregnancy as far as insurance companies are concerned we would like to get into at this stage of the game, but I certainly feel that this bill, if we try to tax a measure which very few people understand, we might all very well get pregnant at the end not knowing exactly what is going to be in the final analysis. Thank you.

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

Mr. TYNDALE: Mr. Speaker and Members of the House: I did not intend to get into this debate in regard to this subject, but as director of a large hospital we received some information over the weekend in regard to this bill. And I believe the information, after perusing some of it, we would be making a great mistake in taking on this bill without giving it some study. And whereas the Blue Cross and Blue Shield has over the period of years been serving the hospitals and the people in the State of Maine for their hospitalization, I would be very much concerned if we passed this bill without giving it more study. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Southwest Harbor, Mr. Benson that this Bill be indefinitely postponed.

The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call 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 Southwest Harbor, Mr. Benson that Bill "An Act to Provide for Taxation and Regulation of the Associated Hospital Service of Maine," House Paper 885, L. D. 1144, 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, Bedard, Benson, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brown, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Couture, Crommett, Croteau, Cummings, Curtis, Cushing, Dam, Drigotas, Emery, Erickson, Eustis, Evans, Farnham, F i n e m o r e, Fraser, Gilbert, Giroux, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Jameson, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Moreshead, M o r g a n, Mosher, Noyes, Ouellette, Payson, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Ricker Rideout, Ross, Sahagian, Shaw, Sheltra, Soulas, Stillings, Susi, Tanguay, Temple, Thompson, Tyn-dale, Vincent, Watson, Waxman, Wheeler, Wight, Wood.

NAY — Crosby, Dennett, Durgin, Faucher, Fecteau, Gauthier, Hariman, Kelleher, Kilroy, Lee, Nadeau, Page, Quimby, Rocheleau, Scott, C. F.; Scott, G. W.; Snow, Trask.

ABSENT — Brennan, Casey, Cottrell, Cox, Curran, D'Alfonso, Danton, Donaghy, Dudley, Dyar, Fortier, A. J.; Fortier, M.; Foster, Heselton, Laberge, Norris, Santoro, Starbird, White, Williams.

Yes, 112; No, 18; Absent, 20.

The SPEAKER: One hundred twelve having voted in the affirmative, and eighteen in the negative, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

On motion of Mr. Richardson of Cumberland,

The House recessed until two-thirty in the afternoon.

After Recess

2:30 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the fifteenth 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 12, by Mr. Richardson of Cumberland.

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, may this matter lay upon the table until later in today's session?

Whereupon, Mr. Dam of Skowhegan requested a vote on the tabling motion.

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.

A vote of the House was taken. 40 having voted in the affirmative and 64 having voted in the negative, the motion to table did not prevail.

The SPEAKER: All in favor of reconsideration will say yes; those opposed will say no.

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

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

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) (House Amendment "A" H-526 to Senate Amendment "C" S-246 adopted — House Amendments "A" H-523 and "B" H-525 to House Amendment "D" (L. D. 1568) thereto adopted).

Tabled—June 12, by Mr. Jalbert of Lewiston.

Pending — Adoption of House Amendment "D" as amended by House Amendments "A" and "B" thereto.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope today that we will move the pending question and pass the bill to be engrossed as amended. The bill has been debated and discussed. I know that you have, as I have, thought about it all weekend. This really does provide in my judgment, and in the judgment of the leadership of both parties, the best possible solution that we have to the dilemma that we confront. The hour is late, the session is very near closing, and I am not going to try to parade in front of you all the horrible consequences of our failing to enact the Part II budget.

In the debate on this bill we heard a great deal about a so-called flight to Florida by those persons of wealth who, it is said, when confronted with the proposition that they might have to pay a tax on income above \$1500 from certain shares of stock, are going to flee and go to Florida. A quick check of the Florida statutes, which I have here on my desk, indicates that Florida has a so-called intangibles tax which divides shares of stocks and bonds into four classes and it places a tax, ladies and gentlemen, not on the income but on the market value of virtually every item of tangible — or intangible rather, so-

called intangible personal property that is held by a domiciliary of the State of Florida, including money in banks and similar institutions, money on hand including all instruments, including U.S. legal tender notes, certificates of deposit, cashier's and certified checks, bills of exchange, drafts and the like.

It places a tax on all forms of stocks and bonds of incorporated and unincorporated companies, on all notes, bonds and obligations secured by mortgages, deeds of trust and liens and Class D, which we up in Maine I think ought to call a bell-ringer. Class D includes all intangible personal property not included in Classes A, B and C. Yet their tax gets not only—or it doesn't try to get income, it apparently does not grant any exemptions, but their tax taxes on the market value of all of this property at the time the tax is assessed which includes then all capital gains. Our tax does not tax capital gains. So those who are planning on spending August in Florida I think you are going to have something besides July and August heat to confront.

No member of the leadership has attempted to suggest to you that this program is all things to all people. The Part II budget which it funds is not all things to all people. Some say it is much too low. The Governor suggests that. Others say it is much too high and lurking around in the legislative halls is a bill to cut out the \$4.9 million for the first year of the school subsidy program, which this House has already enacted.

The course of responsible legislation leads me to suggest to you today that we put aside any concern about the actual size of the budget. It is a responsible budget, one we can defend and that we go ahead and enact it, and bring this session to a close on what I think a good deal more cheerful note than will be the case if we fail to enact the Part II budget and come kicking and screaming back here in October, saying to our leaders, "Why did you let it happen?" Thank you.

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

Mr. HARDY: Mr. Speaker, I would inquire from the Clerk as to the position of this bill. The gentleman from Cumberland, Mr. Richardson noted that it was up for engrossment. Is it up for engrossment or up for enactment today?

The SPEAKER: The Chair would advise the gentleman that the pending question is the adoption of House Amendment "D" as amended by House Amendments "A" and "B" thereto. That is the pending question.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I do not oppose the Appropriations section. I realize that we must give more monies to our cities and towns in the form of subsidies. We must give more money to our institutions to keep their employees and we must do things like giving more money to State employees. But I seriously disagree with the method of taxation. Just last Thursday this House voted against one of my bills which would provide accident insurance for employees in small businesses who became injured.

Now they opposed this under the theory that small businesses could not afford this. Now they suggest imposing a tax on the incomes of these small businesses. This is certainly not consistent. But even more unfair in my opinion is the tax on the intangibles. Let us not fool ourselves. This is just an income tax, but placed on only one segment of our economy. In my opinion, this is the most discriminatory tax which was ever concocted.

I am not concerned with the wealthy people of this state because they could afford to pay, but there are very few in this category in the State of Maine. But this proposal would penalize the retired people who have been frugal, who have saved during their productive years in their life, invested wisely and now are liv-

ing out their remaining years on a very meager income.

The magnanimous suggestion via amendment of an exemption of \$1500 is surely just a hollow gesture. A widow with an income of \$5000 would be taxed on \$3500 or she would be taxed approximately \$210. But also a young couple, who were both teachers and making the minimum salary, together would be making \$12,000, they would be totally exempt. Doctors, lawyers and professional people who make upwards of \$50,000 would go scot-free.

The gentleman from Cumberland, Mr. Richardson mentioned the flight to Florida and how they have a tax on intangibles there on the worth of the intangibles, but if you look at that and if you study that, you would find that under that type of a law the widow in Maine who would have to pay \$210, in Florida would pay \$80; and as I said I am not worried about persons who have a million dollars because we have few of them. But in Florida a person with a net worth of \$1 million would pay \$1,000 a year; under this proposal they would pay \$3,600 a year.

I maintain that if we must have an income tax it is most unfair to make it selective like this and I think that we should be willing to accept the inevitable and have a moderate, graduated income tax so that all persons would then share the cost of government within their ability to pay.

I shall certainly not move indefinite postponement of anything but at the engrossment stage I trust that those persons who feel like I do will not vote for the bill.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: A valid argument has been given by the leadership, by Representative Richardson of Cumberland this morning, when he said that we should know what we are doing before we tax companies and corporations and that we should come back in a special session and vote

meaningful bills built on solid foundations.

The time has come for us to stop picking pockets here and there and picking pockets in different places to support programs that are not necessarily desired by the majority of the electorate. We as Legislators have no right to tax certain persons and certain industries for the sake of passing a Part II budget, for the sake of getting out of a sweltering city, and for the sake that we have accomplished something good prior to adjournment.

Minorities have a right to be heard and I am lending my voice to their cries in the wilderness and these cries are falling upon deaf ears. We have no right to spend other people's money and that includes our money without better planning as to the necessity and funneling of these monies.

As for the so-called "little people" we have already in Part I of the budget adequately taken care of their almost empty purses. We have upped the sales tax from 4½ to 5%. We have added 20 cents a carton to their cigarettes. We will probably add a tax to each gallon of gasoline that they must purchase to get to and from work in this "railroadless" state. We have compelled them to pay the sales tax each time they trade in their new or used automobiles and it behooves us to return to our constituents to listen to them. They are fed up with our patchwork programs and taxation. They are fed up with some of the high spending votes that some Representatives do in their name.

I believe at times that leadership is probably more concerned with their image than their true convictions. They seem to be forgetting that 238,000 heads of households in Maine earn less than \$100 a week and those who have to live on a fixed income. They are disgusted when they hear of a strike by the carpenters in Massachusetts, demanding \$8.56 an hour. That is about \$350 a week for 40 hours. How many good, honest persons in Maine earn this kind of money in the so-called blue collar class?

We are bankrupting our State at the rate we are proceeding on this suicidal fiscal course of action if we vote for all these amendments in the Part II budget which should be much lower in consonance with the pecuniary restrictions under which we live.

In conclusion I say, if the passage of L. D. 1483 at the enactment stage, the Supplemental Part II budget depends upon one vote, I shall deny it and I will not feel guilty for one moment. In my final word of advice I reiterate a statement that I made a few days ago. Let us be fair and tax all the people in a realistic and meaningful taxation program if they want a Part II budget of 42 or even \$84 million. Let's come back later on to pass a good Part II budget based upon a solid foundation and not upon a patchwork, discriminatory, unfair and unrealistic taxation program.

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

MR. SAHAGIAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the proposed tax program. I feel that this is class legislation aimed against one segment of income and as such it is highly discriminatory. Only limited types of dividends and interest are taxable under this proposed program, not all types.

In my opinion, not since the heads of kingdoms levied taxes upon their subjects have so many people been so much interested in the types of taxes and the amounts of taxes as are the people of Maine at this very moment.

The people of Maine are spectators and unfortunately are not participants, in this arena here at Augusta as we do battle on the Supplemental Budget and additional taxes.

Believe me, the people of Maine are vocal spectators, but we seem to have turned a deaf ear to the cries and echoes from these people as we plunge full throttle to enact millions more in spending and new taxes. Let no one of us think for one moment that the people of Maine are not going to have to pay these taxes because they are,

and no benevolent source or fairy god mother is going to pay these taxes for them.

Down through the ages man has tried to provide for himself and his family a nest egg of security. Our citizens today are trying through savings, life insurance and some small investments.

In the past two or three decades, the average citizen has invested a few hundred, or a few thousand dollars from their savings, in stocks and bonds, mostly as a hedge against inflation and as a means of staying even with the buying power of our dollar. Up until now this has been a sanctuary for our citizens and about the only salvation they have had. Now we plan to tax the citizens on their income from these investments on top of the tax already imposed by the Federal Government. Thus, we would tear away another stone from the foundation of man's humble sanctuary.

It is a fact that all over America today, the average citizen, both men and women, make up the majority of investors, and the same applies to Maine citizens who have invested small sums through investment clubs, or through a sharing plan at their place of employment or by direct purchase.

Now, ladies and gentlemen of the House, consider well the predicament of our Maine taxpayers. If we enact a tax on intangibles, or better defined as a tax on investments in stocks and bonds, what will the Maine taxpayer face next? Have any of us stopped to consider what his burden will be when the next Legislature meets? Are we putting the Maine taxpayer out upon a sea to which there are no shores? How shall the Maine taxpayer fortify against this tax onslaught?

Ladies and gentlemen, they say history repeats itself. If this is true, we had better think back to both ancient and current history lessons and take heed that we do not follow in the same steps of empires and countries that have fallen.

To conclude, the needs and abilities of the citizens are paramount in our Democratic society and

this is our reason for being, for vested in us is the mandate and faith of the people. To me, this is sacred and let us not break that faith. Thank you.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise this afternoon in support of the thinking of the gentleman from Bath, Mr. Ross. We have been presented with House Amendment "D" which I believe originally came in here incorporated under Legislative Document 1568. I refer to this document as a troika. Now a troika is a Russian word for a team of three; this in turn was a team of three. It had three different taxes. I will go a little further with it. I refer to it as a troika because it is a Russian word and I could almost be convinced that this document could originate in Moscow. It seems almost uncertain that it could exist and come out here in our fair City of Augusta.

Now the first thing that I object to is the tax on corporations because I think as stated before it is truly a discriminatory tax. If I am a small corporation I have to pay a tax. My competitor perhaps across the street, who is a sole proprietorship or a partnership engaging in a business of the same type, pays no tax whatsoever. Therefore because I have a small corporation I am discriminated against and taxable. But so much for that.

I think the most vicious of the whole troika is the tax on intangibles. It hurts people that least can afford to be hurt. It hurts these people who through their frugality through life have managed to acquire a little money, perhaps even as stated back some time ago a portfolio of \$100,000. If they have a portfolio of stocks of \$100,000 and they are good stocks and they are sound, they are not yielding them more than \$4,200 a year and yet they plan to exempt each person I believe \$1500 or if it was a man and wife who had joint ownership no doubt \$3000, but that still leaves \$1200 taxable,

and a person today with an income of \$4200 a year cannot be considered wealthy. Many truck drivers earn \$10,000 a year and more and they would not be taxed.

But what I particularly object to in this document is section 5,710 which is decedents' estates where it allows the State assessor of taxation to come in and collect all taxes that were unpaid during the lifetime of the deceased. I can picture here a horrible situation. A person passes on and perhaps the State tax assessor comes in and says to the widow, "your husband has not paid all the taxes that he was supposed to have paid during his lifetime and therefore you owe us so many dollars." Well the chances are 10 to 1 that the widow knew nothing about the transactions of her husband during his lifetime and she is quite at loss.

But this section further goes on to allow the State tax assessor to compromise and come to an understanding at how much would be due and they would simply say, "Well, we will compromise it; you owe us X number of dollars, pay up." And no doubt they would pay up. This grave robbing section I think is a pretty sad commentary on a taxation document in the State of Maine.

Now I will even go to the third tax which many have not even mentioned, and that is the tax on malt beverages or the beer tax. Maine is already way up the list on taxation of malt beverages. This would literally send it to the moon, and do you realize that we might conceivably meet with the law of diminishing returns on this? While I will readily agree in the northern and central part of the state no one would be moved to go to a neighboring state to purchase, but I assure you in the southern counties they no doubt would be going over to New Hampshire where even today you can buy at retail a case of beer cheaper than the retailer can purchase from the wholesalers within the state and ten cents more a gallon, which would be roughly about thirty cents a case, would certainly drive them over there.

I, ladies and gentlemen, would deny and disown the whole package and like the gentleman from Bath I will make no motion but I hope that you would not vote for the engrossment of this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This is a rarity that occurs possibly once every two or three sessions in my taking opposition to my friend from Kittery, Mr. Dennett.

First I would like to comment, if I were able to get to the printer in time this ticket that would benefit the Jimmy Fund of Wednesday night's dance at the Elders I would change to the gentleman from Belgrade, Mr. Sahagian because I really bled for him on this tax on intangibles.

Now I would comment that where we talk about the woman who would be paying a tax on her earnings of \$5,000, and Mr. Dennett cut it down to \$4,200 although Mr. Ross had it up to five—the gentleman from Bath had it up to \$5,000. Let us bear in mind that this is where the portfolio goes beyond \$60,000 on bonds. This has nothing to do with the poor little man or woman who might have a portfolio in a savings account which this doesn't tax, who might have a portfolio in liberty or bonds of a federal nature which is not touched at all, also a portfolio on municipal bonds which are not touched at all. So let's just say now that anybody certainly who has a portfolio ranging around the area of \$100,000 in stocks and bonds certainly has a portfolio in other areas also because the other areas come first.

Now wherein it concerns itself with this tax we hear about the possibility of robbing the grave, I have called this a Robin Hood tax. I have said this would be as far as I am concerned voting for this tax would be like Christmas in June or July, and I meant exactly just that. I have been waiting for a long time for one of these to come here for me to vote for, be it the first or second reading, the third reading, engrossment or final enactment.

Now let us not for one moment think that I would also be in favor of the tax on malt beverages. I come from an area that is known once in a while to have a few people that are involved in malt beverages. I feel very badly about it. I tried my own self to reduce the package. I have an amendment that I was going to present. I am not going to present the amendment that would cut down the package of the spending because I have a program that I am coming out with in the future date which I think will serve a better purpose.

Now we talk about let's not have, as the good gentleman from Belgrade, Mr. Sahagian states, let's not have history repeating itself. I agree with him wholeheartedly. Let us not be for the second time abject failures of facing and owning up to our responsibilities at a regular session by saying that we want to go home and come back later. As far as I am concerned I am going to pay for the package now and when we come back here I am not going to be the soft touch I was two years ago by having my own package, and I know I am repeating myself, dusted off and presented and going along with it. We are going to do it now. It is our duty and responsibility to do it now. I am not going to make a motion other than saying that I hope this package here can be engrossed. I hope it can have final passage.

There are several things in this package that very obviously I didn't like to the tune of a three-page amendment that I was going to present. I am not presenting it. I am accepting the work of the leadership. I am accepting the fact that the leadership of both parties worked hard and long to come up with a program and a package in it that it might not be perfect it should be acceptable, and I certainly hope that this measure will finally be engrossed and finally have final passage.

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

Mr. JAMESON: Mr. Speaker and Ladies and Gentlemen of the House: Unlike my friend from Durham, Mr. Hunter, I can find

plenty of words but believe I am going to be awful careful how I put them together. I say let's do something now, let's stop the runaway horse, let's stop this spending as the gentleman said a short time ago and was ignored. Let us prove to ourselves that we, the Legislature, are the bosses here, not the heads of the departments. We have been suckers for the department heads the whole eight years that I have been here.

University of Maine — now the appalling situation created by the 104th Legislature will cause less enrollment, closing of South Campus in Bangor that cost the taxpayers \$5,000 a week for bus service alone and the elderly people in Bangor who have no car can't get downtown unless they hire a taxi. And the attitude of this Legislature creates havoc, too, with the Maritime Academy. These words are by our Chancellor whose salary is twice the salary of our Governor.

Can this Legislature cut down the out-of-state students, eight hundred or more, subsidized by the Maine taxpayers to the extent of \$1400 per student? And when these students receive their diploma or degree, they are gone. How do they add to the economy of the state? Yes, I am for education just as much as anybody else in this Legislature. Again, I say stop the runaway horse now.

But how much longer are we going to contribute to the growing bureaucracies? Two more, the State Highway Commission and the Health and Welfare Department. We are only contributing to a larger and a bigger force of employees. When it comes to the highways, I doubt for one minute that you will get an inch better road than you have got now but you will get 450 new employees. Let us be the boss for the change and stop the runaway horse now.

I am for the taxpayers of the State of Maine one hundred percent. They are overburdened now, God knows. So I say again let us be the boss for a change and throw this measure right out the window.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I am laboring under the assumption that we could probably debate this document from now until the end of the week and it might not change too many decisions that have already been made for one reason or another.

By this document, as I have already indicated, presents what is being indicated in the halls of the Legislature and in the halls of government for a good many years what is always expressed as a fair compromise. Somehow or other the word "fair compromise" somebody always seems to get a little bit better of the bargain. But be that as it may, rather than accept nothing, a fair compromise is still probably the better end to the solution.

A few items have been pointed out here this afternoon that truly amazes me to this point. That granted we don't want to raise taxes just for the sake of raising taxes, but when it is pointed out in the legislative records that a widow that has \$100,000 in stocks and bonds, and as was indicated by the gentleman from Bath, Mr. Ross would be paying \$210, not discounting the possibility that when she does file her federal returns, parts of that will be coming back. And the gentleman from Lewiston, Mr. Jalbert, has pointed out that this is not discrimination for these kinds of people that have got at least \$100,000 in stocks and bonds that are taxable under this act, but basically what it points out that if these people have got \$100,000 in stocks and bonds they will be paying \$210 of tax to the State of Maine.

That doesn't seem unreasonable. We can think of the truck driver that is making 4, 5, 6, 7, 8 or probably 10 thousand dollars a year. At the end of the year he is paying considerably more than \$210 in state taxes on before the \$10,000 a year. I fail to see where this is discriminating against these people that have got \$100,000 or more in stocks and bonds. This comparison, in this day and age, I just can't see where the comparison is.

In this session of the Legislature I and many others have of-

fered different tax packages that was by and large refused in their entirety, be they sales tax, be they corporate income tax or be they personal income tax. And the House indicated that they were not in favor of this kind of package for this session of the Legislature. So I take my vow and say, "Well, then we are going to have to sit with somebody else and find out what is acceptable." If you eliminate all the other taxes which supposedly the majority of our people are against, and granted they have got to be against taxes in order to have some limits.

This brings me to the point of the gentleman from Kittery, Mr. Dennett, that this may very well have originated in Moscow. Ladies and gentlemen of the House, in this day and age and in our democracy versus if this originated in Moscow, you would not have heard about it until after it was passed and somebody was doing the collection. They just don't bother going around discussing or debating where their money is coming from. They issue not a joint order, they issue a single order. And this is the order of the day, "starting tomorrow morning this is what is going to happen."

In this State as well as all the other 49 states we have a different form of debating — and granted sometimes it is painful to a certain segment of the society. But bear in mind that these services are for the general population of our society, for either their betterment in their growing years towards the better education, in their growing years when they are trying to retire and live as respectable citizens.

I think this measure, as is pointed out, is not the best thing that could be had — of course not! If it was the best thing we would have been out of here at the first week of April. But this is what we think is between the both political parties that will satisfy some of our needs and may very well bring an early date of adjournment versus the possible fact that we as a Legislature would go home without enacting a supplemental

budget, which I think is very wrong for this session of the Legislature of thinking of going home without passing a supplemental budget.

These taxes are based on what we think will pay for the package that the people can live for the next two years and be somewhat satisfied with the progress that we are trying to make. If we stand still in this day and age, the other states are not going to stand still, and this has been pointed out over the years — that the State of Maine had stood still in many areas for too many years. And now we are trying to catch up, and granted it is painful.

So I ask the members of the House this afternoon for these two things: to help pass this supplemental budget so that we can see a day of adjournment, to serve the people of our State for the next two years, and also to see the day very shortly that we may be able to adjourn and go home and to perish the thought that we should be going home without enacting a supplemental budget.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I too am going to side with my friend from Bath, Mr. Ross. Frankly we are not saying like the Russians "We are going to start tomorrow morning," we are saying, "We are going to go retroactive to last January", so instead of going around and starting to collect tomorrow morning we are going to start collecting as of last January on the taxes. Furthermore, I would submit that the widow who is going to pay the taxes is also going to pay most of the taxes that the \$10,000 a year truck driver is paying.

I have one question I would like to pose to anyone who can answer it. We have referred to the fact several times on the Floor here that municipal interest is exempt. As I read Section 5705, "Obligations of Maine municipalities or the State of Maine is exempt," but I can find nowhere where it says

municipalities of other states throughout the nation are exempt.

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

Mr. RICHARDSON: The purpose for the distinction in treatment of municipal obligations of State of Maine municipalities and foreign or out of state municipal bonded indebtedness is a very simple reason—that we believe we should encourage investment by Maine citizens in Maine municipal obligations. We exempt Maine municipal obligations, interest on State of Maine bonds and the like because we feel that we should, as I have indicated, encourage this investment. And I simply want to add that there is ample precedent for this in many many other states.

I hope I have answered the gentleman's question and I simply want to indicate that in all this discussion about the size of the portfolio being held, the proponents of this program I am sure inadvertently are failing to mention that good stock management, good investment procedure, sound investment advice, altogether will tell you that many many of these stocks and bonds are in tax exempt securities; and I am not a stock broker, but I can tell you that good investment management indicates that this is a wise course to follow.

If you are talking about a person who has a hundred thousand dollar portfolio in stocks alone, and assuming a five percent return, they are going to end up out of a hundred thousand dollar portfolio in taxable stocks, not including bonds and all the rest, with a tax liability on income of something in the area of \$210, or whatever the figure is. I suggest to you that less the federal income tax liability doesn't place an impossible burden on anyone.

Now if we were being completely logical and precise — here I go over the cliff — I would rather see a broad based, low income tax if I could not have the sales tax. I support a sales tax. I support a sales tax coupled with the two percent corporate tax. But we

can't pass it. There are others who support a personal income tax. But we can't pass it. And to those who find fault and pick this program apart, I say, "Where next?" And we can agonize and fight — and I was chastised in a caucus the other day for not being partisan enough and not being bitter enough in my denunciation of those across the aisle. And I am here to tell you that I have lived through two sessions of it, and particularly in the last session.

The way to solve our problems is to work together in good faith, present the amendments that you have to cut down the budget, find out whether you have enough votes to pass them, and if you don't then I say the course of responsible legislation requires that we do get together and we do pass the program, even though I personally am not happy with some features of some of the programs. Our responsibility to ourselves is to operate in candor and in good faith. And to those who stand up and pick this program apart, who I know and you know are not going to vote for any tax, I think puts us in a most unusual position.

If we cannot pass this program, it seems to me the chances of our enacting a Part II budget are very very remote. Confront that spectator honestly, and I think that you should vote for this program.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't attack this tax package. I am against the need for it. I think the most of you if you had your ears to the cries of the public, they would want to — at least the ones I have talked to, would have liked to see a cut in State Government by about 10%. I think it is a fair compromise when you go along and keep what you have got and try to pay the people that you have got on the payroll like we did in the Current Services budget.

Now I think when you try to put another 180 or 200 or 300 people on the payroll you are certainly out of tune of the thinking of the people that you were sent here

to represent, because I am positive. I have not only talked to people from the area that I represent but I have talked with some from, quite a lot of people from the areas that you represent. And the basic feeling is they do not want more government.

Now I don't know how to get less government and I don't believe that's possible, but I do think we can get along with what government we have got and in order to do that you don't need to raise \$42 million. And the only way I know to stop this expanding government is to stop the money. And so for this reason, I will be against any of these supplemental budgets that want to put some 280 or 300 people to work, and we will be well over 300 before you are through. So I don't attack the tax angle of the bill. I am very much opposed to expanding State Government and I know of no other way to stop it. If you put these people on the payroll and they are going to be on next year Current Services.

The only thing you are going to be next year or this year you are going to have to build buildings to put them in and typewriters and desks. This \$42 million is just a foot in the door. And so I will say just once more that if you will just listen to the people that sent you here, you will find that you're with about 99% of them if you have no supplemental budget and no expanding of state services. And if we are sent here to represent these people—now regardless of how I personally feel about these tax measures and how many people we need to put to work here and how many friends I got I would like to find a job for, regardless of that feeling, I feel as though I am sent here by these people and I thought they were intelligent on election day enough when they sent me here and by and large the people that I represent are pretty intelligent group of people. They are not imbeciles by any means. And they feel very strongly on this subject of more government. And so I would have to convey their thoughts to you people here today. And that is about as it is and I won't waste any more of your valuable time.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am happy that the gentleman from Enfield, Mr. Dudley, states that he is not opposed to the taxation package, he is opposed to the spending package. And I would respectfully submit to him, as I would to all the members of the House, that some of the items in the spending package we must have. Nearly two thirds of the new positions as put forth into the budget are mandatory through federal regulations, if we are to hang on to our programs of financial packages, money that is coming to use from the Federal Government.

Now I think that both the gentleman from Madawaska, Mr. Levesque and the gentleman from Cumberland, Mr. Richardson have stated the case very clearly. I mean we have no chance whatever of getting 101 votes on that board for a 6% sales tax, we have no chance whatever of getting 101 votes on that board for a personal income tax at this session. One would be attacked by one party possibly and the other by the majority of the other party; and so be that.

Now I think that the comment as made, as rightfully made, that if we do not have this program, where do we go from here? I mean those people who say I don't want this, I am not going to go along with it, where do you want to go from here? Now maybe you will say, as far as state employees are concerned, let them strike. Well I can guarantee you if you don't take care of them they will strike. Now there are those who will say also that people want no more of this and want no more of that. As far as I am concerned the only time I was really lacerated during this session is when I opposed L. D. 918. I sure got it from one weekly newspaper—it doesn't impress me too much anyway—but gadfly or no gadfly criticism, it does fall on my ears and it is still annoying.

Now somewhere along the line—we can't get a 6%, we can't get a personal income tax—we have

one recourse and it is this package here. And just bear in mind that if we do not pass this, we do not give the state employees anything, we force their hand, the workers in our institutions, we do not give the bare minimums to our University, we do not give anything at all to our vocational institution programs that we have heralded so much and so loudly and that we need more of as we say, we do not give anything at all for drug programs or any programs in the health and welfare category, we do not give anything at all in part supplement to any of the other eighty odd departments of this State, and bear just this in mind, that if we do not pass this here we are going home. And what are we going to do when we come back? We are going to be in the same place when we come back as we are now. We were in the same place when we came back two years ago, and history will repeat itself.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Lewiston has posed several questions and I am in mostly agreement. We have so many questions. In all humility, I am appreciative of the cooperation of the leadership of both parties, and again in all humility I would like to do nothing better than to go along with this program if I could do so in all conscientiousness and say let's go home. I am just as anxious to go back to my garden and my lawn as anyone else.

I have stated and I have been urged by my constituency that we must, if possible, trim this Part II budget some more. I realize that so many of these things are deemed a must. But are they a must? Are all of them a must? I agree that the employees, the lower brackets at least, should get some more pay, and I have agreed with that right along. I agree that the subsidy program should have received a little bit of an impetus to assist the taxpayer back home. I also have very sympathetic feelings for all that the good gentleman from Bangor, Mr. Jameson had to say as to where is this

spiraling State Government cost going to end. I believe now roughly the increase is 18 to 20 percent a year. That amounts to a hundred percent in about five years. Where is it going if we continue this acceleration?

We say about these various department increases and expansion, "Well, we must have so and so and we must have so and so." Can we do those things in our family affairs? Can we say we have got to have it and get it whether we have the money or not? Is it not true that we may have to wait for some of our programs? Is it not true that we can tell some of the departments that you must get along with the money that we authorize you even though it is only half what you ask for?

If we are director of an industry or a company, we are told, if we are department heads, just what we are going to have to spend, and we are expected to produce inside that amount. If we should stop and think—I suppose we all have, but when you realize that the 105th is going to be faced with the basic beginning house-keeping budget of \$320 million, plus the built in expansion, the gross costs which will probably start it off at \$350 million, and then if the expansion in the Part II Budget in the 105th is in the same ratio, that will mean somewhere between 70 and 100 million more in their Part II budget. I suppose one would say, "Why are you worrying about the 105th, you probably won't be there anyway." Sometimes I feel that I don't believe I dare to face the 105th at the rate we are going.

Honestly I just wonder where we are going. We talked to the people back home and they said what are you fellows trying to do down there. They say there must be some way to cut the size in the cost of State Government. I have been saying that right along. I had hoped in January that we could have cutting of government cost to the extent of government reforms. I thought we were going to have tax reforms. I haven't seen too much result of it. I am sorry.

I know that sooner or later whether we go home without a

Part II budget arrived at and have to come back, I shall have to vote for some supplemental package. I am willing to mow. But I am not yet ready to vote for a package that size. I realize from all that I have heard that the six percent sales tax is probably impossible to pass. In my area they would prefer it to an income tax. I am getting a lot of objections to the corporate tax for the very reasons which my friend Mr. Dennett has stated, it is discriminatory. There are several companies in my area which would pay but there are an awful lot more that would not pay a cent on it. And the corporations say why.

A company up there, a fairly small corporation, right across the street is another one about the same size, but it is not a corporation, it is just a limited company. And I talked to one of the vice presidents of the corporation and he said, why should we have to pay on the tax and those people across the street wouldn't pay a cent?

Now one more thing, we are told and I presume in all justness, that if we pick this package apart, as I have been doing to some extent, that we should submit something to replace it. But in all humility again, I admit that I am not smart enough to handle fiscal policies myself. I would have to depend upon others to do the mathematical part of it. Possibly, I regret that I am not able to do that. I can go over this package and I can say well this and this and this should be trimmed a little, but in order to properly write up a replacement for this package, I just do not have the ability and I admit it. But I believe that there are several others here that do have the ability and when the package comes along that I feel that I can buy, I will probably vote for it. I know that I will vote for something for a Part II package. But I cannot vote for \$42 million.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: Obviously I have some notes here of ideas but I find that

they would be repetitious. But I have one or two ideas that have not been brought up. I feel that many of us came here with a preconceived notion of a tax that we would or we wouldn't vote for. But I feel in the intervening last four or five weeks that more and more often taxes that we felt even two months ago we couldn't vote for we are willing to accept now. I do not feel that the package that has been proposed — I don't think that this comes as any bolt out of the blue — that I can support the funding of it nor the fact that it is as large a supplemental budget.

The only thing I would like to call to your attention is that from the start of the 104th Legislature, it has been apparent that our citizens have been calling for economy. I feel that we do have a faith situation here but I also say to you that we have a serious economic problem at our national level. It doesn't seem that even they can find the solution to the runaway inflation at this point, but we are beginning to feel the repercussions and we will continue to feel serious repercussions at the state level as well as at the national level. Thus this hardly seems the appropriate and wise time for the Maine Legislature to devote the largest supplemental budget ever proposed as though the nation's economic problems have no effect whatsoever here in the State of Maine.

I also feel that one of the things that hasn't been brought up about your corporations but must be obvious to many, and I would pick out our poultry industry, which by the sheer raising of the price by one cent or lowering one cent has a tremendous effect. I feel the corporate tax could very well hurt this type of industry in its competing nationwide — not within the state — but with companies outside the state.

I also am going to say something that may seem unwise but I know it has been spoken of, it is partisanship. I feel I stand here because I represent a party. I also feel that both the Democratic Party and the Republican Party are funded by various interests. I don't think

that anybody should duck the fact that the two areas that we are taxing have been a large segment of where the Republican money has come from. Likewise, when the Democrats have a problem they know where their money comes from. I obviously can say quite honestly that if I were a Democrat I would think politically that this was a great program to vote for; but I am not, I am a Republican. For that reason, I cannot vote for this program.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: In my opinion and like one of the prior speakers, I recognize that I am very far from an expert in either taxation or appropriations funding, but there are certain areas in the package put together by the leadership of both parties which I would like to see slightly altered.

The amount is of fair size. Perhaps it is too much, but then again perhaps it isn't enough. In round figures we will be increasing state employees by approximately 300. There are approximately 10,000 state employees. An increase over the biennium of 300 employees is, if you even it out, 150 a year, which I believe is about 1½ per cent of our current number of state employees. This does not strike me as a huge increase.

One of the bills which caused the most debate here and the most impassioned debate was the Abortion Bill. For reasons of personal conscience I voted against that bill. But I find also for reasons of personal conscience that I must vote to spend some money and to spend some more money to take care of the poor, unfortunate children at Pineland and other institutions.

I think that the gentlemen who are concerned about this bill in particular, and as one of them I think we owe it to ourselves and to our own integrity, since we have voted against abortion, to do something in a financial sense for these unfortunate children.

One of the particular aspects of the tax program in regard to the corporate tax program that

mystifies me, and perhaps some member of the leadership of either party can enlighten me on it, but it is this: as I recall the original Democratic proposal for a corporate income tax it excluded the small business or subchapter S corporation. The corporate income tax which we now have before us which as proposed by the leadership of both parties provides for a tax on these small businesses which are only in a technical sense corporations, which in a practical sense are small businesses locally owned. I asked the State Tax Assessor how much it would cost, how much would be reduced from the revenue estimates by excluding subchapter S corporations from the corporate income tax. I would like to read his reply.

"If subchapter S corporations were excluded from the corporate income tax there would be some resulting loss of revenue; but we do not consider that such loss would be sufficiently significant to warrant any change in estimates which have been made of revenue from this tax." I should pause here and say that he is speaking of the corporate income tax now before us. Mr. Johnson continues—"We do not have sufficient information to suggest what the loss might be; but as I have indicated, we do not consider it to be particularly significant."

Perhaps being mindful of the admonition of the Majority Leader against nit picking, particularly on the part of those who would not vote for any tax, I should not have made this comment. I think there could be improvements also in the intangibles tax, to put the burden more on those that can bear it, those with the \$100,000 or \$200,000 or \$300,000 or a million dollars in intangible investments are the type to be taxed, and perhaps to remove the burden slightly or reduce the burden on widows with \$25,000 or \$30,000 or \$50,000. Nevertheless, I agree with the leadership of both parties that responsible legislation does require a package and this general type of package seems to be the only one that possibly can go

through. But again I ask the question, since the State Tax Assessor says that he would not change the revenue estimates regarding the corporate income tax, if the small business corporation were excluded from the tax, why should we not exclude the small business corporation from the corporate income tax?

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

Mr. DYAR: Mr. Speaker and Members of the House: I want to agree wholeheartedly with some of the words spoken by the gentleman from Brunswick, Mr. McTeague. Although precedent has it that the freshman legislator sits in his seat and listens, I do not feel it is fair to my constituents to sit and listen. I did not run for this seat on a socialistic ticket nor will I knowingly vote for socialistic legislation. If the time is now to distribute the wealth of our citizens to eliminate marginal poverty by creating a welfare state, we should look for professional proven guidance. The movement referred to in history as the movement of the 26th of July should prove some sequel. Inasmuch as we have used the sovereign State of Florida and let it become involved in our discussion of the affairs of the State of Maine, perhaps we should again take a look at the small island off the Florida Keys. That time-proven method of the wealth's distribution has wrought horror, disaster and a communist take over.

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 with a long speech, but there were a few things said here I would like to rebut or ask a few questions myself.

The gentleman from Madawaska said we must catch up. I say, with whom? Mr. McTeague from Brunswick said there were about 10,000 or more state employees. It is my recollection there's around 5,600 in the General Fund account and raising it this amount is a

much bigger percentage. The gentleman from Lewiston, Mr. Jalbert, says where do we go from here? Might I suggest we go home.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I guess you have all received a memorandum from the University such as I have, where it states "Action to reduce already low salaries would lend to mass resignations and the eventual demise of the University." I see no great exodus of professors at the University. In fact, if you have read today's Bangor Daily News, the University Trustees just announced they hired seventeen new professors.

In regards to drugs to the elderly, during the 103rd Legislature my Committee passed a bill to allow drugs to the elderly. This bill passed with the approval of the Appropriations Committee, signed and accepted by the Governor. Several months later, after adjournment, this money was eliminated. The old people never got it.

I would like to pose a question to anyone who would care to answer. What happened to the \$375,000?

I was asked the other day why I voted against L. D. 918. As you all know, I spoke for the bill and was willing to vote to support it all the way with a fair income tax, not a discriminating tax. I will agree with the gentleman from Bath, Rodney Ross, that this form of taxation is discriminatory. Robin Hood, as my children put things quite well, was in the olden days. I don't like discrimination. I have had to live with it for 48 years.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am not going to say anything different today than I have said perhaps three or four times before. We have been repeatedly told today as we have been told before that it is impossible to pass a one cent increase in the sales tax. I have got to repeat that I do not completely buy that, I do not believe

it, and I am willing to stay here another week if necessary before I will vote for this package, in the hope that we could arrive at some way that the one cent increase in the sales tax could be brought about.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I hope that this may be the last time that I will speak on this document today, as I feel debate has covered pretty near every area that was in the members' mind, but only to say this that the point that has been brought out that the tax package is discriminatory, if you want to look at any kind of tax, any kind of tax that we've got on our books today in the State of Maine, you could say that they are discriminatory because some people pay it and others don't.

I think probably the remarks made by the gentleman from Perham, Mr. Bragdon, if we stay here another week we might be able to pass the 6% sales tax. In answer to that, I would say that you might stay here a week and you might stay here six weeks. And judging from the reaction of the members of the House in the last almost six months, in another six months it would never pass the 6% sales tax. That in my bill for the personal and corporate income tax, it is my personal feeling that this tax was not acceptable to this House and even if we stayed in session for another six months it would not be acceptable to the members of this House, not unless we went along side the coast of the State of Maine and along side every highway in the State of Maine and said, "Well OK, this bridge we are not going to build, this hatchery we are going to close, this mental hospital we are going to cut in half because the people of Maine don't want their patients to be taken care of in this institution, maybe Massachusetts would accept on a tuition basis the mentally ill in Massachusetts or in New Hampshire or Vermont."

So we could be going around in circles forever and a day in try-

ing to pacify some of the thinking of the members of this House. And we could spend considerably more than a couple of weeks trying to do that.

We think that the package is fair for what we have to do today for the next two years. Failure to do that by the members of this House may prove to be disastrous. It may prove to be disastrous at Pineland, it might prove to be disastrous in the highway program, it might prove to be disastrous at all the mental institutions in our state if we fail to take positive action at this session of the Legislature and not try to delay it until such time as the clouds are hanging over everybody's head and wondering where are we going to go from here. The picture is not going to be different; it is only going to be worse.

So I ask the Democratic members of this House and all the other members of this House how much more do we stand to gain by waiting another six months, when all these things comprising of the operation of state government hangs over our heads? The picture is not going to be different even if we put a new frame around it. So I ask that you support this document in engrossment.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: A few comments have been made—and I know some of you will not believe this, but I really had no intentions of speaking. A few comments were made which I feel I must respond to. Most of them were made by the gentleman from Bangor, Mr. Soulas—one, the University of Maine and its professors. I happen to know a few professors there because I haven't left there that long ago, and I would like to tell him of a personal experience that I had a short time ago.

About two weeks ago I was at the University speaking to a former history professor who indicated that he was leaving the University of Maine. I asked him where he was going and he indicated to me that he was going to Oregon State. He told me that at

the University of Maine he was presently receiving \$12,500, that he was teaching four courses besides his research work and his consultations with students, and that he was going to the University of Oregon where he was to receive \$28,000 per year to teach two courses rather than four.

There is no question that the University of Maine in Orono or the state colleges that we have had to raise the salary for new professors and new people being hired. But the ones that we are losing are the one that we should try to keep. This is where the problem lies.

As far as the \$300,000 to which he referred for the Health and Welfare, I might point this out—that if his committee two years ago had drafted the bill in such a way that the Commissioner could not have used the funds for other purposes, that money would have been used for the drug program. But the committee amended the bill at the recommendation of someone—and I am not going to take anyone over the coals for it—but it was done, in such a way so that the money could be used for other purposes and it was. There is no reason why we should chastise anyone but ourselves, because the Legislature passed that law.

Third, new state employees. If I or anyone else in this House ran for Governor or any other position on the basis of eliminating state employees, you could get yourself elected to any position. But in order for you to do a good job of evaluating the program, you have to evaluate each position and you have to evaluate each person. And until such time as we do this, we cannot say that we can eliminate 10%, we can't say that we can eliminate 20%. It would be just as sensible to say that we can eliminate 10% of the members of this House or we can eliminate 10% of local taxes back home.

Now there is one thing that I do not want to do and that is to go home, to adjourn and to do nothing. That is what scares me. I don't like the package; I am not happy with it, but I accepted it as a

compromise on the part of the leadership of both the Republican and Democratic parties. If we go home some people will argue that we can come back in six months and do it. Let me ask you one simple question. How long can the patients at Bangor, Augusta State, Pineland wait? Sure another six months won't matter; probably another year won't matter. And perhaps in another year these patients will be dead or perhaps we won't place them there so they won't become state responsibilities, but you know darn well as to what happens when these people are back home and the type of care that they get because I have seen it and you have seen it in private homes. People do not have the facilities and they do not have the resources that are available to treat these people, and until such time as we want to face the responsibility of spending money to see that care is given to these people of the State hospitals and State institutions, what are we?

If you walk into the State Prison in Thomaston and you see one guard guarding thirty or forty people, you may say this is fine. Do we wait until someone is dead until we do something? If we want to do something in the field of pollution, do we wait until our lakes are dirty enough so that we can walk over them before we do something? In the field of the drug program, do we wait until people have been driven under, their homes are taken over because they can't afford the drugs, they died because they couldn't afford the one dollar pill? Are we willing to do something before six months are up? That is the reason why I don't want to go home.

It doesn't mean that I am perfectly happy with everything that is in the program, because there isn't a single member that is. If anyone is it means they wrote the program up themselves, and I don't think there is a single person who is responsible for that. And so I certainly hope that whatever else we do here today or the remaining days, that we don't go home, adjourn and then when people say what happened and we

tell them, "Oh we just couldn't reach an agreement."

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

Mr. SAHAGIAN: If I may Mr. Speaker, I would like to pose two questions to Mr. Levesque or any member in this House who may care to answer. Number one question, am I correct in assuming that the gentleman from Madawaska, Mr. Levesque, said earlier that we tax only those who have and not those who do not have as much? If so, would this be classed as a socialistic form of government?

Next question, everybody seems to be shying away from an increase of a one percent on the sales tax. Would someone in the House be able to tell me, by increasing the sales tax one or two percent, how much difference is it going to make to a family of four or five persons? How much additional sales tax is this family of four or five going to have to pay?

The SPEAKER: The gentleman from Belgrade, Mr. Sahagian, poses two questions through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque, who having spoke twice will be allowed to answer the question.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In my answer to the two questions posed by the gentleman from Belgrade, Mr. Sahagian, I have yet heard of anyone that was able to pay a tax if he had no money to pay a tax or was not earning money to pay a tax. The thing that we are trying to do in this area is to find somewhat of an equitable tax that will be paid by those who are able to pay the taxes.

In answer to the second question, the family of four, in increasing the sales tax by one percent, if he is making \$4,000 or \$5,000 a year, of that increased sales tax to that family of four making \$4,000 or \$5,000 a year would be probably paying 100 percent or 1,000 percent more on this one percent

sales tax if he has got a family of four than the gentleman from Belgrade, Mr. Sahagian, who would have no family and paying the one percent sales tax.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise only to say that I am in opposition to this package. I am in opposition mainly to the amount of the budget. Now it has been said many times that the people are demanding these services. It has been said by some of the speakers here that they don't know what people are demanding it. I too am in this same category. I don't know where this demand is coming from. I have held two public meetings in my town, both well attended. I admit my town is only a small town of 7,400 people, but both of these meetings were well attended and the one question that was asked of me is, "What in 'H' are you people down in Augusta trying to do to us? Are you taxing us to death?" And this is just what I feel today, that we are taxing the people to death. I feel that there are areas where we can cut down in this budget.

Now it has been claimed that this is a Robin Hood tax. This may be alright to call it this. I am opposed to Robin Hood taxation. If we keep taxing as is said, the ability to pay, this is well and good, but there has also got to be a limit in the ability to pay. If we keep this up year after year pretty soon there won't be anybody with the ability to pay, we will all be in a majority, but it will be a big help, the majority of the poor people and we will all be on relief and it won't be just a question of having relief for a few thousand people, it will be a question of having relief for a million people in the State of Maine.

I feel we have already reached our limit as far as taxes are concerned.

Now the other thing, it has been said that — I think by Mrs. Brown — that this would be a good Democratic bill because this

would be taxing the rich. I am opposed to that too. Now it has been suggested to me that this would be a good argument to say that the majority here are in the Republican party which is the opposition party to myself. I don't intend to go back to my town and say I bought a package because it was forced on me by the opposition party and use this for an excuse for voting for that bill, because I intend to be consistent, I intend to vote against this until this budget is cut. I am against this corporate income tax unless it was brought down to a little more realistic figure and I am definitely against the \$1,500 exemption that you are giving on the intangibles. I feel this could be raised. Possibly I would buy this package if we could amend this to bring it up to a \$2,000 level, but I cannot buy it in the present state.

Mr. Sahagian of Belgrade was granted permission to speak a third time.

Mr. SAHAGIAN: Mr. Speaker and Members of the House: In answer to the gentleman, my good friend, Mr. Levesque, when he said it would be a thousand percent increase by one per cent increase on the sales tax, I think he is either misinformed or he is in error. I am neither a CPA nor an attorney, but all I know, I can figure one and one makes two. One percent increase on a family if he spends \$2,000 a year for taxable merchandise, it makes only \$20. You have got to forget the five cents that we have now. That is behind us. What we are talking about now is that extra one percent. I don't believe that will make a difference of \$10 or \$20 on any average family because fuel is exempted, food is exempted; the only thing he is going to pay is on his clothing and detergent.

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

Mrs. PAYSON: Mr. Speaker and Members of the House: In answer to the question raised by the gentleman from Belgrade, Mr. Sahagian, I asked Mr. Garside for some figures on what an additional one percent sales tax would affect the various income levels for a family

of four people and he quoted me the following figures.

Our 1969 joint returns, standard deductions, not including surcharge, on a \$3,000 income one percent additional sales tax would be approximately \$14; on a \$4,000 income it would be \$16.66; on a \$5,000 it would be \$19.11. Let's skip a couple here, \$7,000 would be \$23.55; \$9,000 would be \$27.77; \$10,000 would be \$29.77. Thank you.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: I am sorry to put you to all this trouble but I am against this tax package but I would go along with it if this intangible tax was placed on all intangibles. I can't see separating one and if the income tax rather than be a coporation tax was put on all corporations, all business tax, this would cut the rate in two, at least would cut it down to 2½ or 3 per cent, which I believe most anyone would go along with. I hope that we can find a way to do this and get this tax package so that we can cover this budget.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Obviously we are dealing in a rather touchy subject because I can't remember a time when our electronic equipment worked the way that it is working this afternoon. But I think in our form of government while we recognize our strength we should also recognize some of our weaknesses. Now a very wise man who made quite a study of government and not in just a theoretical sense put it this way. He said that government does not contain any force which will check the constant tendency to put more and more on the public payroll. The State is like a hive of bees in which the drones display, multiply and starve the workers so that the idlers will consume the food and the workers will perish.

Now this seems almost modern and yet this observer lived at a time when Athenian democracy was at its height and I really suggest to this House today that Plato

knew what he was talking about. Somewhere there must be an end to the road. Somewhere there must be a slowdown. Somewhere we must come to a situation where the people of the State of Maine will say, at least one Legislature had the courage to try to slow things down. Like Mr. Henley, I probably would vote for a supplemental budget but I think at this time a supplemental budget of \$42 million is much too much.

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

Mr. DONAGHY: Thank you Mr. Speaker. Ladies and Gentlemen of the House: I rise to concur with Mr. Bragdon. We may have to stay around here for a week but if that is necessary I am willing to do it as long as we at least can have a crack at this one cent sales tax. I haven't seen anyone or heard anyone that tried to do this on a positive basis.

Further, I heard on TV just before I came in this morning that by 1975 we might possibly have one percent more population than we have at the present time. That would bring us up to 933,000 people. Now these people, this has been practically a standing figure now since World War II or soon after World War II, and we will go back to the 100th Legislature. They increased their supplemental budget by 16 percent. The 101st came along and increased it again over the 100th by 17 per cent. The 102nd came along and increased it by 26.2 per cent. And now we are coming along, and, — let's see, there is one more here if you will excuse me, the 103rd increased it over the 102nd by 23.6, and now we are talking about increasing ours by 34 per cent.

Now this has got to come to a stop, either that or we will be brought to a stop; and I don't like to bring out Communism and all that sort of thing but this sort of thing is a food for revolution and we are in a revolution at this time. Now it can be a peaceful revolution if we use our heads, but it is quite possible that it will not be a peaceful revolution if we don't use some common sense. I was sent down here to represent some

people in the eastern part of the state. Neither one of our leaders, and this seems to be the leaders, the result of a waltz of the leaders for the last couple of months, neither of these people were sent down here by my constituency. They will not have to go back and face re-election by these people next year.

I will or I hope to and I can't see — not only the budget but the size of it should be cut back to some degree, but on top of that this tax that is being proposed is strictly discriminatory even within a class. There is no reason why real estate investments or investments in municipal bonds or savings banks earnings or many other things that go into a well rounded portfolio should not be taxed right along with the other intangibles, stocks and bonds, plus the fact that they are proposing not only to tax the thrifty and the people that are willing to work for a living and put their savings away in stocks and bonds at a risk, they are also proposing to tax the very corporations that depend on this money to run the corporations that the rest of us live from to keep our whole economy circulating and it is very unfair, very discriminatory, and I hope that somewhere along the line the leadership will find the courage to face up to the fact that this is not a good package and will try to do something different about it.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen of the House: I have been told that the ideal tax for any legislature is one that he doesn't have to pay. I am no part of any corporation. I hold not one single stock or bond and I don't drink beer, so this ought to be an ideal tax for me. However, I shall not vote for it as long as that intangible tax is attached to this package. When I went home this weekend I found that my farm has grown up to weeds, I find I am losing some excellent fishing, but so long as this intangible tax remains in this package I'll stay here all summer if necessary and continue to vote against it.

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

Mr. BENSON: Mr. Speaker and Members of the House: I doubt that we get 101 votes but we have talked over 101 minutes. I have been very observing here as we debated and I haven't seen a single mind changed, so I am not going to make any motion. I just hope that we get around to voting and when we do, Mr. Speaker, I ask that it be taken by the yeas and nays.

The SPEAKER: Is the House ready for the question? The pending question is the adoption of House Amendment "D" as amended by House Amendments "A" and "B" thereto. The yeas and nays have been requested.

For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call will vote yes; those opposed will vote no, and 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 Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker, I want to ask a question. I probably should know the parliamentary procedure. If we pass the amendments, do we then vote on engrossment?

The SPEAKER: That is correct. The pending question is the adoption of House Amendment "D" as amended by House Amendments "A" and "B" thereto. If you are in favor of the adoption of this amendment you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Burnham, Carrier, Carter, Casey, Chandler, Chick, Coffey, Cummings, Drigotas, Farnham, Faucher, Finemore, Fortier, A. J., Fraser, Giroux, Good, Haskell, Hawkens, Heselton, Hichens, Hunter, Jalbert, Johnston, Keyte, Kil-

roy, Lebel, Levesque, Lund, Martin, McTeague, Millett, Mills, Mitchell, Morgan, Page, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Scott, C. F.; Snow, Stillings, Susi, Thompson, Waxman, Wheeler, White, Williams, Wood, The Speaker.

NAY — Bedard, Berman, Bragdon, Brown, Buckley, Bunker, Carey, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Couture, Crommett, Crosby, Croteau, Curtis, Cushing, Dam, Dennett, Donaghy, Dudley, Durgin, Dyar, Erickson, Eustis, Evans, Fecteau, Gauthier, Gilbert, Hall, Hanson, Hardy, Harriman, Henley, Hewes, Huber, Immonen, Jameson, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Leibowitz, LePage, Lewin, Lewis, Lincoln, MacPhail, Marquis, Marstaller, McNally, Meisner, Moreshead, Mosher, Nadeau, Noyes, Ouellette, Payson, Porter, Pratt, Rand, Ricker, Rocheleau, Ross, Sahagian, Scott, G. W.; Shaw, Sheltra, Soulas, Tanguay, Temple, Trask, Tyndale, Vincent, Watson, Wight.

ABSENT — Corson, Cox, Curran, D'Alfonso, Danton, Emery, Fortier, M.; Foster, Laberge, McKinnon, Norris, Santoro, Starbird. Yes, 60; No, 78; Absent, 13.

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

Is it now the pleasure of the House that this Bill be passed to be engrossed?

Mr. Ross of Bath then requested a roll call.

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

Mr. **JALBERT**: Mr. Speaker, I move that this bill lie on the table until tomorrow.

The **SPEAKER**: The gentleman from Lewiston, Mr. Jalbert moves that this matter be tabled until tomorrow pending passage to be engrossed.

Whereupon, Mr. Dam of Skowhegan requested a vote.

Mr. Jalbert of Lewiston then requested the yeas and nays.

The **SPEAKER**: The yeas and nays have been requested on the tabling motion. For the Chair to order the yeas and nays it must

have the expressed desire of one fifth of the members present and voting. All members desiring that the vote be taken by the yeas and nays 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 that this matter be tabled until the next legislative day pending passage to be engrossed. If you are in favor of the tabling motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEAS — Barnes, Berman, Bourgoin, Brennan, Bunker, Burnham, Carey, Carrier, Casey, Drigotas, Eustis, Faucher, Fecteau, Fortier, A. J.; Fraser, Gilbert, Giroux, Heselton, Hunter, Jalbert, Kelley, K. F.; Keyte, Lebel, LePage, Levesque, MacPhail, Martin, McTeague, Millett, Mills, Mitchell, Ouellette, Ricker, Sahagian, Sheltra, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler.

NAYS — Allen, Baker, Bedard, Benson, Bernier, Binnette, Birt, Boudreau, Bragdon, Brown, Buckley, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Cote, Cottrell, Couture, Crommett, Crosby, Croteau, Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Gauthier, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Jameson, Johnston, Jutras, Kelleher, Kelley, R. P.; Killo, Lawry, Lee, Leibowitz, Lewin, Lewis, Lincoln, Lund, Marquis, Marstaller, McNally, Meisner, Moreshead, Morgan, Mosher, Nadeau, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Williams, Wood.

ABSENT—Corson, Cox, Curran, D'Alfonso, Danton, Emery, For-

tier, M.; Foster, Laberge, McKinnon, Norris, Santoro, Starbird.

Yes, 41; No, 96; Absent, 13.

The SPEAKER: Forty-one having voted in the affirmative and ninety-six in the negative, the motion does not prevail.

The pending question is passage to be engrossed. The yeas and nays have been requested.

Mr. JALBERT: Mr. Speaker, I just want to ask a foolish question. Why are we engrossing? We are engrossing \$42 million and we don't put up a cent to pay for it. Why are we engrossing?

The SPEAKER: The Chair would advise the gentleman that he is correct.

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

Mr. RICHARDSON: Mr. Speaker, and Members of the House: If this bill fails of engrossment today, it will go to the Senate for their action. We have debated long and loud. We have had a constant parade of speakers who stood up and said "Cut the budget." I say, where? Cut out the first year of the school subsidy program? Put the amendment on the floor; let it be voted on. Reduce state employees, so that you have a state employees' strike? Put the amendment before us. Work out a responsible tax program to pay for whatever size budget you in your wisdom decide to accept? Propose that tax program.

In the last analysis you are going to find that the great majority of you I believe accept that a budget at this level, which reduces by approximately half the amount that the Governor requested, is a budget that provides a reasonable program for this State within the confines of the State's ability to pay. Now I shall vote against the engrossment of this bill because I will not vote to pass a program like this unless this House has the courage and the plain ordinary barnyard variety guts to vote for a tax measure to pay for it.

I disagree with my friend, Representative Marion Fuller Brown, who is also the Republican National Committee woman, when she says that there is some built-in item of

party philosophy that I have got to adopt, that one particular class of persons should be favored and others not. I don't accept that brand of Republicanism and we might as well discuss it right here. I believe that our first test should be as legislators to separate the needs from the gripes, that we should fund programs without reference to whether or not some special interest group comes ahead and charges those who support a program as being socialist or members of the 26th of July movement.

The pragmatic, hard, cold facts are these. That we cannot adopt a \$42 million budget in this House until we have the courage to face one another in good faith and bring the amendments out for discussion, and find out where the majority of the members of this House want to go as far as State spending. And until that is done and until you have a program that you say you can sell, then I suggest to you you are delaying the day of reckoning which is going to be a bitter bitter experience.

Therefore, Mr. Speaker, I shall vote against engrossment, not because I feel that this is not a good program, but because I believe that the course of responsible conduct requires every one of us to vote for the taxes to pay and if you won't pay for it then don't sit back and expect the leadership, at least of this party or the person sitting in this seat, to come up with some other alternatives in view of the fact that we have the problem before us in its present form.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This afternoon I met with the members of my committee and I was told that possibly it might be best if I were to hold my amendment in view of the fact that the committee had worked hard and long on the Appropriations bill, and I remember distinctly listening to the points that were brought forth to me by the House chairman of the Appropriations Committee. I did not

say anything during the debate. I voted as I committed myself to vote.

But certainly when the gentleman from Perham, Mr. Bragdon turns around then and speaks against the measure and votes against it, I think practically all holds are barred. And I know that the gentleman was speaking against the tax package, I know that the gentleman will get up and say that he would stay here for a week to vote for a penny on the sales tax. I also know that the gentleman knows that's as dead as can be, just as dead as the toto, just like the personal income tax would be. Regardless of what the gentleman from Perham might want to say, the facts are there as I heard them.

So on that basis certainly it relieves me of any obligations whatever. So that consequently, Mr. Speaker, I now present House Amendment "E" to Senate Paper 449, L. D. 1483, and move its adoption and I will speak on that motion.

Thereupon, House Amendment "E" (H-533) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker and Members of the House: This amendment, which is under filing number 533, would cut out a very minor sum of money wherein it concerns itself with Baxter State Park Authority. This amendment would cut off from the State Planning Office one personnel. It would cut off from the item concerning itself with Repairs and Minor Improvements some \$20,000. It would cut off from the Department of Health and Welfare some 2 personnel; involve itself with sewerage inspection—two items that two people incidentally that the Health and Welfare Commissioner Fisher did not ask for.

It would cut off from Labor and Industry some one personnel, which complies itself with inspection—it would give only one apprentice promoter instead of two. It would cut off from the Department of Mental Health and Corrections some fourteen people wherein it concerns itself with the Men's

Correctional Center and some twelve people from the State Prison Center. It would cut off some \$10,000 from the Department of Parks and Recreation wherein it concerns itself there with some equipment. It would cut off \$10,000 each year from the personnel services insofar as the Personnel Department is concerned—and nothing could please me more.

It would cut off some \$25,000 from the Department of Education which would be absorbed elsewhere on the Technical Institute Scholarship program and also cut off \$25,000 from Education Department wherein it concerns itself with \$25,000 each year, concerns itself with grants to supplement School Building Authority loans. The State Planning Office, a cut-off of one, would involve itself into the Executive Department. It would also cut off from the Public Utilities Commission one person; it would cut off two people, giving them a choice as to what they wanted as their directors, concerning itself with rates and utilities services engineer and utility accountant. It would also short cut-off on the Probation, would bring them down from 66 to 3 people.

We are giving 17 new help now in Water and Air Environmental Improvement Commission, it would cut that off to—from 6—to leave them at 6 for the first year and cutting them down to 9 for the second year. It would amount itself to some \$630,000. It would mean in effect a reduction of that amount to the budget. It means a cutoff of 33 new employees beyond what the Part II itself—within the Part II budget. And I think it is a good amendment. I thought so right along. I have kept faith with my committee. But if one can go one way, so can I. And certainly I hope that this amendment has passage. I move its passage and when the vote is taken I move that it be taken by the yeas and nays.

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

Mr. HEWES: Mr. Speaker, I would pose a question to the gentleman from Lewiston, Mr. Jalbert or anyone else who could answer. What is the gross amount of the reductions in House Amendment

"E" as compared to the bill L. D. 1483 as it presently stands?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes poses a question through the Chair to the gentleman from Lewiston, Mr. Jalbert, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. JALBERT: Mr. Speaker, \$600,000 plus.

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

Mr. LUND: Mr. Speaker, I would move the indefinite postponement of House Amendment "E" and would speak to my motion.

The SPEAKER: The gentleman from Augusta, Mr. Lund moves the indefinite postponement of House Amendment "E" and the gentleman may proceed.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: One of the advantages of having an opportunity to study an amendment and one of the reasons that we often indulge in tabling, is to give us the opportunity to study an amendment and to look in somewhat greater detail to see what the effects of it would be. And regrettably I have not had the opportunity to study this so that I cannot give you a great deal of precise detail, but I can perhaps give some of the impressions that I can recall that the committee formed as the various measures came before us and the various people spoke to us in supporting the appropriations which this amendment would cut out.

To start off with, we have the Baxter State Park Authority. At the present time, as of several years ago, the State Police converted to a different frequency, a frequency which is known as a VHF frequency. This was accomplished several years ago in all of our State Police vehicles and I believe our warden vehicles have accomplished the same change. It is a more reliable frequency and one which gives better coverage and at the present time because the Baxter State Park people have not converted to this frequency, they are now operating on a less reliable frequency and one in

which they are not tied in with the State Police.

In view of the fact that not long ago several lives were lost at Baxter State Park and radios were used in connection with the rescue efforts, and as I recall it difficulties were encountered with radio coverage, it seemed to the committee that this was a very important measure to carry out in order to safeguard lives and enable the Baxter Park personnel to carry out their duties without further risk of life. In view of the events of recent days, it seems to me somewhat strange that we should begin this list of budget cuts by singling out this one of all measures.

The committee heard an eloquent plea on behalf of the Department of Labor and Industry with respect to an item which you will find on page three of the amendment, with respect to the State Apprenticeship activity in the state. I am unable to recall the precise details but the gist of the point that was made was that we have a State Apprenticeship program in the State. At the present time there is not sufficient personnel to ensure that the people who are working for employers in the state under the Apprenticeship program are getting the combination of schooling and training on the job which they are supposed to receive.

In view of the fact that this program, as I recall it, attracts matching funds, the Commissioner expressed grave concern that a field investigation of this program later revealed that it fell far short of the guidelines under which it was supposed to be carried on and might seriously endanger the program. This was one of the points that was made in regard to this appropriation.

I am not going to try to itemize all of these. I would call your attention to the cut in the area of community mental health services. This happens to be an area that I have some interests in because I have been active in our local community mental health service here in Kennebec County, and I do know that this activity here in the county attracts a great deal of local support. It is supported both by our communities through

their town appropriations and is supported by the County through its appropriation, and in addition gets considerable fund raising support from local people so that the money the State spends in its community mental health program generates local funds from private philanthropy as well as from tax sources. And it would seem to be a very good argument for not curtailing this program.

Going on to page four, a cut is outlined here in the Park and Recreation Commission's activities. The Commissioner of Park and Recreation appeared before the Committee and told us of the steady increase in attendance at our State parks, which resulted in something over ten per cent increase each year. And I can recall under questioning from the Committee that he testified that on many occasions, perhaps even a majority of occasions during the summer at Reid State Park, for instance, it was necessary to close the gates of the park so that the people who were already in the park would not be overcrowded by additional people who were trying to get in.

In view of this closing the gates at our State parks, I can recall the question that was asked of the Commissioner, who I might add appeared to the Committee to be very conservative in his requests. The Commissioner was asked whether in fact his ten per cent or so increase each year was not in fact an understatement of the actual increase in view of the fact that he was having to close the gates of the park to keep people out. And the Commissioner conceded that perhaps if it wasn't necessary to close the gates of Reid State Park and the other State parks, we might find that the attendance at these State parks will be increasing even faster than the figures that he gave us.

I would suggest to this House that it is ill advised indeed for us to be cutting capital expenditures in these State parks, and I believe that investigation will find that these capital expenditures are for bread and butter items like sanitation at the parks so that people can go there in comfort.

I note there is a cut outlined in the Public Utilities Commission, 2 personnel, and I can recall—I can't recall the number of years—but it has been a great many years now that the Public Utilities Commission has not had any substantial increases in personnel.

Now we heard a great deal of talk and a lot of debate here in this session about the necessity for lowering our power rates and all this, and in the final analysis every now and then one of the speakers has commented on the fact that it is the Public Utilities Commission which is the watchdog of our power rates.

And I would suggest to you that this is one area where the Legislature can strike a meaningful blow in gaining for the State of Maine more attractive power rates, because it takes people to study the problem. It takes people to examine the books of the power companies and of the other utility companies to see how they are spending their money and to check if they are spending it properly and to check to see if it can be shown that they are getting more than a fair rate of return on their invested capital. I would suggest to you that it was poor economy indeed for a Legislature which was concerned about power rates to try to economize by cutting out the people who would be watchdogging our power rates.

Not to go into the other cuts in such detail as to bore the members of the House, I just want to comment finally on the Water and Air Environmental Improvement Commission. Last session we combined the control of air along with water and it has been said by writers that have been discussing this problem that our coverage of air at the present time is really non-existent, it is controlled in name only, in the case of air; and in the case of water, we have fewer people presently employed in the Water and Air Environmental Improvement Commission than we do in the Department of Veteran's Services in the State of Maine. Now this is not to suggest that the Department of Veteran's Services is unimportant; I am sure it is important. But also to suggest to you that it is of vital

interest to all of us that we establish a meaningful regulation of the water quality in the State of Maine. As I recall the figures, the Commission presently has a staff of about nineteen, and within their present pay structure they are having some difficulty even filling the vacancy that they now have.

The Committee on Appropriations and Financial Affairs met with the Chairman of the Water Improvement Commission and discussed what his needs were. We outlined what his needs were in our initial draft of this budget and we cut them substantially to arrive at the figures that we now have. If this amendment is adopted it would cut these needed personnel by two more. At some point, in talking about water and air control, we have got to stand up and be counted. We have got to decide whether or not we want to keep talking about the quality of environment in Maine from now until kingdom come or whether we want to do something meaningful about it. I would hope that this amendment with the provisions that I have outlined would be indefinitely postponed and that we could go on to consider the serious problems of the State.

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

Mr. BIRT: Mr. Speaker and Members of the House: I find one major point or a problem in the consideration of House Amendment "E" which is presently under consideration. In the area of capital expenditures or under the area of BPI there is \$520,000 removed, which is part of the amount that is used for repairs and minor improvements. But if I read this correctly, this has already been taken out in House Amendment "A" to Senate Amendment "C" and this is the major amount of monies involved in this and I fail to understand how it can be taken out twice. I may be wrong on this, but this is the way it appears to me, that they duplicate each other and that this \$500,000 has been already taken out where it reduces the amount of money that is involved in this House Amendment "E" to somewhere in the neighborhood of \$200,000.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In order to come up with the figure that I wanted to come up with I had to go back with the original figure. If you will notice on page two the figure as was cut down by the first amendment which is not passed was \$130,000. This differs between the Amendment that was presented, would raise it from 130 to 144 thousand for the second year. This is merely a \$14,000 figure and nothing else. I mean I would disregard the \$660,000. It is \$130,000 for the first year and \$650,000 for the second year. My figures would insert in place thereof the figure \$144,000 for the first year and \$650,000 for the second year. It says, "Inserting in place thereof total Department of Finance and Administration \$144,000 and \$650,000," which is only a differential of \$14,000.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: As one who just voted for the tax package that was before us and in voting for it held his nose to a certain extent, I would like to suggest that we have not exhausted all the different possibilities that can be put before us. In my opinion we have never had a fair vote on a corporate tax combined with an income tax because in effect the day I voted against that I was in effect voting against Part III of the Budget.

The corporate tax in my book is unfair, as many have stated before, in that all we do is ask the corporations to act as a tax collector. Any good corporate manager has one big job on his hands and that is to try and show a little more profit than the company did the year before. And he can do that by increasing sales or increasing prices, or greater efficiency in his plant. Now if we put a corporation tax on it can only mean he has got to strive for greater efficiency, greater sales, or higher prices, and I think under the conditions that prevail today, what you would get in effect would be higher prices.

But in spite of this I will go along with the corporate tax provided we reconsider our action on the intangible tax. Now the intangible tax was selecting a very small part of our population and asking them to carry all the load. Now I ask you how fair is it to tax the widow who may have \$3,000 income from intangibles and let me go scot-free with five or six times that income?

Now I am perfectly prepared and willing to stand my share of the expense and I don't expect to take it out of the hide of widows or anyone else that is living on small fixed incomes. Now my heart doesn't bleed for anyone who has got a 25 or 30 thousand dollar income a year from intangibles. But there are a great many people in this State who are receiving a pittance in social security pensions and what not and to maintain the standard of living which they have enjoyed all through their life are dependent upon the income they receive from intangibles.

So why not move all the way? We started out here early in the session—nobody could talk income tax, it couldn't be heard around here. But the corporation tax is an income tax. So you have got to first base or maybe to second base, and when you started taxing intangibles you have got an income tax; so you have hit a home run or at least you have gotten to third. So why not go across the board and have the five percent corporate tax or a four percent and a five percent income tax based on our federal income tax?

Now we have got a five percent sales tax. A five percent corporate would give you \$12½ million, four percent would give you ten million, five percent income would give you ten million or four percent eight million, depending on the size of the budget you finally decide to come up with.

We have heard a lot of kicking about the budget. I have gone through it with a fine tooth comb and there is an item here and there is an item there that, sure, I would like to see cut out, but it's something like Mr. Jalbert's amendment, he's sending a boy on a man's errand cutting \$300,000 out

of a \$40 million budget. You could do that without looking or without thinking. Maybe if we took that budget and jogged it around the State House Complex for a couple hours, it might get some more fat out of it.

So I ask you during the evening and night to think this over, that there are other alternatives than the tax we have had before us today. I don't think we are doing our duty if we don't stand up here in the next few days and pass some sort of a tax. It is a shame to go home and say "Well we didn't accomplish anything after being over here for six months."

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am not at this time going to take particular issue with the amendment of the gentleman from Lewiston, Mr. Jalbert, which he has just offered. Neither am I going to take any particular stand or be critical of the long term of study that the Appropriations Committee put in in coming up with this combined budget which he as a member of that Committee has attacked in a few areas. I agree with the gentleman from Hampden that it is a mere pittance in solving the big problem that will bring us together here in this House. If the time comes that a meaningful reduction in this budget has to be made, I think it must require the combined thoughts of many people and if that becomes necessary in order to pass a budget that we can get through this House, I would be glad at any time to become part of a team that would come up with some such recommendation.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am astounded that the gentleman from Perham, Mr. Bragdon would state that if something bigger comes along in savings he will go along with it. I am amazed that he admits there's even bigger mistakes in the Appropriations bill than there actually is now, I don't think there are.

As far as the gentleman from Hampden, Mr. Farnham, I have got too much kindness in my heart to answer him on the Floor. I would like to take a couple of minutes and give him a verbal description in a private conference. I will say that somewhere along the line that somebody should be given the famous general battery aptitude test around here. I think it would serve to a good purpose.

Now going into this thing here, I never knew in my life that cutting out \$650,000 was sending a boy on a man's errand and I guarantee you that I am no boy. Now as far as Baxter State Park is concerned, as the gentleman from Augusta, Mr. Lund, is concerned, I mean since when has anybody in this House here hasn't said on any bill in committee, "OK, I will go along just because, I am not going to sign a minority, I am going along." Why that is the order of the day.

Now all this thing does here would be to shift for now the radio equipment to VHF. I mean it doesn't say the radio equipment is broken down, it just says we shift from one to the other; and I think that in times like these probably we can go along and hold status quo. Now as far as the Vocational Technical Institute Scholarship program is concerned and the grant for settling the school building, I mean if I am going to have to use the words a mere pittance, of the gentleman from Perham, Mr. Bragdon, I will use it although that involves \$100,000 and that to me, being a poor man, involves a few bob and quid.

Now wherein it concerns the Department of Planning Services, you know that also goes under the front office, there are 32 people there. I remember when I was not of voting age I was involved in the front office at the age of 20 without the adult rights and I was making \$30 a week and there was a stenographer with me and I spent half of my time in the Highway Department, and there are 32 in there and I was just cutting one off. I don't think that is a sacramental sin to do that; and as far as the Health and Welfare Department I have stated, and I have spoken to

the Health and Welfare Commissioner. He didn't put these things in the budget. We put them into the budget.

Now it reverts itself back to the Water Improvement Committee to report their appropriations that we are so badly and so promptly cutting. We are giving them under this budget 17 help for the next biennium; I am cutting it down to 15. We are giving him 17, I am taking 2 off.

Now as far as the Public Utilities are concerned, the gentleman from Augusta, Mr. Lund said, "Now for many years we have ignored them. We have given them nothing. So we gave them 4 each this year, let's cut it back 2 more each year and give them probably 2 more later on.

Wherein it concerns itself with the program on Mental Health Services which he is so interested in, the report called for \$60,000 the first year and \$75,000 for the second year, this cuts it to \$50,000 for the first year and \$65,000 for the second year, is that so much? That is a cut of \$10,000.

On the Park and Recreation Commission on the personnel services, we are giving him now on the new budget, we are giving him approximately \$140,000 and we are cutting \$10,000 out of it. Is that so bad? We have given money on Men's Correctional Institutions to cut down from 48 to 40 hours. We are cutting down from 27 to 14 on new help beyond that and 25 to 12 in the State's Prison.

I don't think, number one, that this budget is a mere pittance. I don't think it is, in my humble opinion, I don't think it is sending a boy on a man's errand. At least it is my contribution. I had this amendment Friday. Now I might also state to the gentleman from Augusta, Mr. Lund, that he has had since Friday to study this thing and the way he told us he hasn't had a chance to study it, he did a summa cum laude job as far as his explanation of it is concerned. I kept quiet; I too voted for Amendment "D". I accepted the good gentleman from Cumberland Mr. Richardson's challenge. I mean, I am putting in an amendment, I have another one coming. It involves itself into marble mon-

ey, \$630,000, peanuts as the gentleman from Hampden, Mr. Farnham would say. It is my contribution, where is yours?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am afraid today that I must agree with the gentleman from Augusta, Mr. Lund on indefinite postponement of the amendment. I will say this, that the gentleman from Lewiston, Mr. Jalbert has voted for the tax package which would have paid for the program. Now that the tax package has failed, he is willing to offer an amendment to make some cuts from that program. I have not seen other amendments come forth.

Talking to the amendment itself, there is no question that if you take a look at the Part II as amended, that you can take a million dollars out of state employees, you can take a million dollars out of the University of Maine, you can take a million dollars out of school subsidy, you can take a million dollars from any other field that you want to hit. It just depends where you want to do it and how much you want to do and it depends on what you want to accomplish for the people of this state. If you want to do nothing, then you vote for nothing.

Looking at House Amendment "E" itself, I don't like it because it does do away with, number one, as the gentleman from Augusta, Mr. Lund has told you, converting the radio system at Baxter State. Now I can't be positive of this because it has been a long time ago, but it seems to me I can remember when the people from Baxter came before us and told us that the equipment was World War II surplus; it was worthless, it really should be replaced, and as a result of the last search there they had some very serious problems. This is why the Committee put it in. If you want to wipe them off, then of course it is perfectly up to you.

You take a look at the Department of Education and you will find that the money for supplemental school building authority loans has been removed with this amendment. This amount of mon-

ey, indeed it is a small amount, but it is the money that goes to the small communities like Vinalhaven, or like a few others, Monmouth — I am sorry, Monmouth is not one of them, one community outside of Augusta which came before us for additional money to build a small schoolhouse and that there was no money in the program. It is money here, and indeed it is a small amount of money, but it is money for the very small island communities to build a small school so that they can keep a small schoolhouse and not have to, as we were told, bring their children across the bay to educate them on the mainland. Now if you want to vote for that, that is fine with me. I certainly am not concerned with money there because I don't represent an island community that would be affected by the loss of the money not being in this particular program.

If you look at the monies, for example, as the Department of Health and Welfare, two employees which are removed by this amendment, these are two employees that would be in the Bureau of Sanitation. These two employees were not requested by Dean Fisher. There is no question about this. When we told him that he was going to have them he said— I want them in another program. The Committee felt, and I still feel, that these two people should go there. These two particular individuals would be responsible in trying to prevent private sewers from smelling the next door neighbor's land and from supervision so that this could be taken care of. If you want to do away with these two people, that's fine with me, but I want to tell you where they would go.

If you want to remove \$10,000 each year of the biennium into an internship program for the Personnel Department, then alright, you may remove them. I am not going to be affected nor any other member of the Appropriations Committee. But those people who attend Colby, Bowdoin and Bates and the University of Maine and the five teachers' colleges will not get the money so that they can spend some time in Augusta on a summer internship program so that they can tell us what their

views are as to what our government is, and perhaps after they graduate from the universities and colleges in the state they won't leave to go to New York State to work there in their departments because they have a better salary or a better system. Perhaps we can attract them this way.

If you want to remove \$20,000 from the Community Health Program, fine, vote for the amendment. If you want to remove half of the personnel at the correctional institutions, vote for the amendment. If you want to remove a little bit of money from the Parks and Recreations Commission so that there will be less people that will be able to see the parks of this state, to use the parks so that we can have less tourist money, fine, vote for the amendment.

If you want to remove the Rates and Research Director in the PUC, the Director of Utility Services, one utility engineer and one utility accountant so that closer check could be maintained on the utilities of this state, both private and public, municipal and co-op, then vote for the amendment and this will wipe out two of those positions. If you want to remove some money from the Department of Sea and Shore Fisheries, and I am not affected by that money, then vote for it so that they will be able to do less research.

Now this in effect is what the amendment does. I congratulate the gentleman from Lewiston quite frankly for having offered it because it is his suggestion as to where we can cut \$600,000. I don't agree with it.

You know, one thing comes to my mind as the result of newspaper accounts of last week and two weeks ago, that perhaps this Legislature made a mistake when we elected David Kennedy as Speaker of the House, Mr. MacLeod as President of the Senate, perhaps we should have elected James Erwin for both of these positions along with the position of Attorney General. If he has the answer I wish he would give it to us.

Personally I think that we should not let people who have not worked with a budget for six solid months tell us that now they have

all the answers. I have been here for six months on the Appropriations Committee and if I could tell you I had all the answers I would have rocks in my head, because I don't. I only hope that the suggestions that I have made as a member of that Committee and as a member of the Committee both in the House and in the Committee itself, my suggestions, my thoughts and my ideas have proved fruitful. I think I know a little bit about the budget and I think I know some of the areas and some of the problems that we face in this state.

If one man or a couple of individuals who have had nothing to do apparently with cleaning up pollution in this state, apparently stopping the abuses of small loan agencies in this state, perhaps we should listen to them if they have all the answers. Mr. Speaker, I certainly hope that we do not adopt House Amendment "E".

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

Mr. BENSON: Mr. Speaker and Members of the House: I too would join in urging you to vote for the indefinite postponement of this amendment and for the reasons suggested by the good gentleman from Augusta, Mr. Lund and the several speakers since. Many good reasons have been given. I will dwell on only one or two areas here. We have provided for additional probation and parole officers which are very badly needed throughout the state. We have I understand in many instances people on parole reporting in by telephone and in some instances by letter. I think this leaves considerable to be desired.

I see in one area that we are cutting even more severely than the Appropriations Committee cut the request by the Department of Corrections, the request for additional staff to meet the national standards for coverage of security safety. There is suggested in the Part II budget 27 additional help in each year at the Men's Correctional Center, this amendment would cut that nearly in half, leaving only 14.

The State Prison is a similar situation, 25 in each year of the

biennium requested, 12 suggested in this amendment. For these and the numerous reasons given before I ask you to support the motion of the gentleman from Augusta, Mr. Lund, which would indefinitely postpone this amendment and we will once again be talking about the budget document as turned out by the Appropriations Committee.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Throughout this afternoon we have heard many complaints, they have been both long and loud, of the constant increase in the number of State employees. Now I believe that the gentleman from Lewiston, Mr. Jalbert is at least making a valiant attempt to make some cuts in these things along with the wishes and desires of a great number of members of this House. It seems strange that so many would speak and to the degree that it seems to be absolute calamity if these people are not hired and these new services instituted.

I think our great complaint over the years has been the vast increase in the number of persons employed by the various departments and we have heard time and time again something should be done to cut these down, and yet here today we hear that they are absolutely indispensable and as near as I can see from those who oppose Mr. Jalbert's amendment if we fail to indefinitely postpone this amendment there is nothing but calamity in store for the State of Maine, and I don't believe it.

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

Mr. HENLEY: Mr. Speaker, I would like to second the statement just made by my friend, Mr. Dennett of Kittery. Also I would like to go on record as answering Mr. Martin of Eagle Lake's innuendo relative to the Attorney General. I am in favor of reducing the Part II budget but I would like it to be known that as a matter of record that I am not jumping to anybody's pulling strings. Any mention I have made on the budgetary reduction is entirely my own idea or the idea of my constituency. I

too would say that Mr. Jalbert has made quite a contribution with his offer of an amendment, even though with the amendment accepted I still could not buy the bill. It still is a very good example of what could be done I think up and down the line in one way or another.

I know it was mentioned about a school that needed some money to be rebuilt on one of the islands. Two weeks ago I read an article in a periodical, News Weekly, about a little town in Iowa that had problems of building a school. They built a school for over 300 students without a cent of aid money from anybody. They built it from two towns getting together, chipping in labor, work and material.

I wonder what our parents and our grandparents did without all of these added facilities and this additional personnel. If we listened and paid heed to a lot of the dire remarks of this afternoon, the people that got along in this state and got educated prior to the last fifteen or twenty years didn't exist, they didn't live to be ninety years old, they didn't go to college, they didn't get any education, they weren't able to run a business, they weren't able to take care of poor people or the sick.

Now I maintain that we have lived in this state, we have conducted our business, we have to some extent contrived to take care of the underprivileged, we have sent people to higher learning, we have managed to pay our bills, and we have managed to cut budgets at previous times in this Legislature.

Now just in closing I want to also state just that I feel that Mr. Jalbert has made a good issue and a good start. If I was able to come up with another \$600,000 reduction we would really be going somewhere. Again whether the amendment is accepted or not it still is a contribution and I think if more of us can think along those lines and find out what we can do without some of this additional personnel there could be more contributions.

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

Mr. COTE: Mr. Speaker and Members of the House: I do not rise to speak for the amendment nor against it, but I think it has brought to light something here this afternoon that many parts of that \$42 million seems to be the pet projects of certain individuals. Department heads did not ask or request this personnel but the Committee, in its wisdom, if you may say so, added that extra added expense.

Now I would like to see one more amendment and I would support it; that is the amendment to cut out all but the \$1,700,000 for the State employees, raise the estimates \$2,000,000 and then go home.

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

Mr. JALBERT: Mr. Speaker and Members of the House: With trepidation I ask the unanimous consent to address the House for a third time.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, having spoken twice requests permission to speak again. Is there objection? The Chair hears none. However, the Chair would remind the gentleman that there is a new motion on the Floor of indefinite postponement and he did not need the permission to speak. The gentleman may proceed.

Mr. JALBERT: Thank you very much, Mr. Speaker. That gives me two more—another time at bat.

Mr. Speaker and Members of the House: From one gentleman behind me and the very good gentleman from Southwest Harbor, Mr. Benson, I have heard about the probation officers that we so badly need in the State of Maine. I just talked with Commissioner Kearns two minutes ago. I knew that one person from the Portland Probation office had been taken out of that office by the Department of Mental Health and Corrections and put in as head of the clinical service director of the correctional services in Hallowell voluntarily. She is yet to be replaced.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Two very

brief points because I think we debated this long enough. One is that I do know from personal experience in my area that probation officers are darn hard to find, that they don't come up, and when they do they don't have time to visit people where they are but they have to either call them by phone or send them cards, and this is not the way that we should operate a probation and parole system.

The second comment really is this—that if the gentleman from Lewiston, Mr. Cote feels that there is room to cut some money, I would suggest that he offer an amendment to do so.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Augusta, Mr. Lund that House Amendment "E" be indefinitely postponed.

Mr. Jalbert of Lewiston requested the vote be taken by the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lund, that House Amendment "E" be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEAS — Allen, Baker, Barnes, Bedard, Benson, Berman, Bernier, Birt, Boudreau, Bragdon, Brennan, Buckley, Carrier, Chandler, Clark, H. G.; Coffey, Crosby, Croteau, Cummings, Cushing, Donaghy, Drigotas, Dyar, Erickson, Eustis, Evans, Farnham, Finemore, Fraser, Gauthier, Gilbert, Giroux, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Hichens, Huber, Immonen, Jameson, Johnston, Kel-

ley, R. P.; Keyte, Kilroy, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, Marstaller, Martin, Mills, Mitchell, Moreshead, Morgan, Payson, Porter, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Tyndale, Watson, Waxman, White, Wight, Wood.

NAYS — Binnette, Bourgoin, Brown, Burnham, Carter, Casey, Chick, Clark, C. H.; Cote, Cottrell, Couture, Crommett, Curtis, Dam, Dennett, Durgin, Fortier, A. J.; Harriman, H e n l e y, Heselton, Hewes, Hunter, Jalbert, Jutras, Kelleher, Kelley, K. F.; Lawry, MacPhail, Marquis, McNally, Meisner, Mosher, Noyes, Ouellette, Page, Pratt, Richardson, G. A.; Ricker, Sahagian, Sheltra, Soulas, Tanguay, Temple, V i n c e n t, Wheeler, Williams.

ABSENT — Bunker, Carey, Corson, Cox, Curran, D'Alfonso, Danton, Dudley, Emery, Faucher, Fecteau, Fortier, M.; Foster, Laberge, McKinnon, McTeague, Millett, Nadeau, Norris, Rocheleau, Santoro, Starbird.

Yes, 82; No, 46; Absent, 22.

The SPEAKER: Eighty-two having voted in the affirmative and forty-six in the negative, the motion to indefinitely postpone House Amendment "E" does prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I shall make a motion and I shall vote against my own motion, but I want to find out just where we're going from here. We have a budget of \$42 million or nearly that amount before us now, we haven't got a cent of taxation to pay for it. I now move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert now moves the indefinite postponement of Senate Paper 449, L. D. 1483, 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."

Whereupon, on motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.