

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, June 17, 1969

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

Prayer by Father John Mc-Vicar of Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

ORDERED, the House concurring, that Bill, "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act," Senate Paper 245, Legislative Document 754, be recalled from the Legislative Files to the Senate (S. P. 507)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. SUSI: Mr. Speaker, I move the indefinite postponement of this order and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi moves the indefinite postponement of this order and the gentleman may proceed.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: We killed this bill here in the House sometime past and at this time I would like to refresh your memories on the general provisions of the bill.

It applies to Public Works projects involving counties, cities or towns. It would provide that the wage rates paid on any of these projects would be the minimum wage rates which now apply to projects in which State money is involved. What projects would it apply to? It applies to buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, demolition, waterworks, airports and all other structures upon which construction may be let to contract by the State of Maine or by a county or city

or town, or by a charitable or educational institution or a School Administrative District if public funds are in whole or partial support of the project cost, and there is the further provision that on any project of \$10,000 or more.

Now it doesn't provide in the bill what the wage rate shall be but as I understand the provisions, the wage rates will be determined by Marion Martin's office based on reports received by her from construction projects in the area.

Now it works this way, that the smaller operators who would ordinarily be doing this city and town work don't have the clerical staff to report the existing wage rates in their organization, so the reports that Marion Martin actually gets are the reports from the largest projects where there are Union representatives on the job, who make it a point to see that these reports do get into Marion Martin's office so that the wage rates that she has reported to her become the minimum wage rates for these city and town projects down to a level of \$10,000. I think that this would be a tremendous imposition on the communities and I hope that you go along with the killing of the order.

The SPEAKER: The Chair recognizes the gentleman from Cambridge, Mr. Quimby.

Mr. QUIMBY: Mr. Speaker and Members of the House: I feel this bill is something we should keep away from. If we think the municipalities are in financial difficulty now, all we need to do is pass this bill to help blow the costs of these projects all out of proportion and find out what difficulty really is. I therefore urge you to vote against the recall motion and go along with indefinite postponement.

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

Mr. VINCENT: Mr. Speaker and Members of the House: It seems strange to me that the last few days we have been talking about people on welfare rolls, people that have refused to work, and then we turn around and we have an opportunity to increase

the pay of some of these people so that they would have an incentive to get off the unemployment rolls. When you have an alternative between hard back-breaking work—and this is what this covers, and going on unemployment or welfare, the choice is rather obvious. Let's bring this bill back and provide some decent pay so that these people will have an incentive not to collect unemployment or welfare.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I signed the "Ought not to pass" Report on this bill out of committee. The Minimum Wage phrase that is used here is actually misleading. The rates under this Act would be established, as Mr. Susi has pointed out, by a compilation of rates in adjoining projects. Now unfortunately in construction work, normally there are two types of rates that apply. In the first instance you would have a rate that is established in order to attract labor into an area where skilled construction labor does not exist. And over against this you have a small scale project that would be using local labor. It seemed a little bit ridiculous to try to make up a compilation of construction rates based on a large scale project where it was necessary to pay premium rates in order to attract labor to the area on a small local project where local labor was available.

For this reason — I don't remember the exact division in the committee, but in any case I remember that I did sign the "Ought not to pass" Report and when this was debated earlier in the House it was defeated very soundly, and I feel this would be the thing to do in this recall order, it would be so to kill it.

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

Mr. COUTURE: Mr. Speaker and Members of the House: Again this morning we have seen an order that gives decent wages to the people on construction in a way

they would be able to earn a living without having to go out of state and earn a decent living.

The construction men in this state are really walking out of this state completely. I can report to you that as it stands on construction here, the decent wages to live according to what they are facing in the cost of living, that I can assure you that some of the contractors in question that want to protect themselves here this morning by lobbying this House against this order, and that allowing a contractor to pay skilled carpenters \$1.75 an hour are in a mind to pay the laborers in the rate of \$1.50 to \$1.60 or either to close the minimum wages to as close as possible. They are the ones that work them to the minimum wages and cutting the current high wages paid to the state and have it involved in Marion Martin's office.

Today the shoe is on the other foot. Yesterday was to tax 'em and take money away from them that they can't even earn in this State, tax 'em to the bone or even over their earnings. Today is to give them money to be able to pay their taxes — well, let's kill it. What do we intend to do with the people in the State of Maine here? We are talking about our great State for vacation and I can assure you it is a state of vacation for those who have the money. But the poor working people are down the drain completely, where they have been for years and years in this state.

You can turn around today and go to New Hampshire and check the scales of wages that the Governor is backing in New Hampshire, check the scale of wages that they are backing in Massachusetts, in Connecticut, Rhode Island, Vermont; check wherever you want to. The only one place that you see these construction workers working with starvation wages at the end of the week, they are anxious to take another day's work because it is going for taxes, grocery stores and medicines, and there isn't a cent left to them. And we are wondering why our business is down in this State here. You have an example how it is down. You are over here taxed to the bone and you are here to see that they don't earn anything to live with.

I believe that if you look at your neighbor State here that you will see that these wages doesn't exist there. But again we are taking a stand with our low earners to force them to go across the line and go purchase in New Hampshire, because it is easier to live because they pay less money. They want a bottle of liquor, they get it a dollar cheaper. So with the earning that they get in this state here, a dollar is a big saving. If they want a carton of cigarettes, well they go across and they will save close to another dollar.

So with the earning of the \$1.75 or \$2 an hour in this State, if they can save a dollar on a carton a week and it's usually two, naturally they get two, so they are saving an hour's work. And where is our business? And then we are over here saying our revenue is dropping down. Naturally it is dropping down. You turn around and the way you are going to tax them this year, it is still going to drop lower than it is now. You have increased your sales tax one half of one percent, and it is going to drop below to the four and a half percent because you are forcing them out of the state.

I am going to tell you one thing right now. I am a business representative of the local union and right now at this time out of 277 members I have eleven members working here in this state. There are approximately 18 loafing and the rest of them are in New Hampshire and Massachusetts and Rhode Island. They could turn around possibly and work for a dollar and a half a week. How would they buy a pair of shoes for their kid to go to school? And we are keeping these people right in the trend of starvation wages and the minute that there is a loan introduced in this Legislature — not just today, for years I have been here and listening to it. Everybody is up in arms — "It is going to cost me 20c an hour more. It is going to affect me."

I want to tell you one thing, Members of the House here, that as long as you are going to be backing the effects of some 15 or 20 cents an hour to your workers and try to bury them down, you

are going to be hurt more than you are now.

Now why is it that today that we are going on construction, the workers, contracting the jobs under predetermination wages when there is federal money in it? This is what you have; this is beautiful here. The Federal Government comes under predetermination wages on their construction. They are in line with the union rate.

Then the guy next to him will say—two hundred feet away from him—that their wages is lower some two dollars and two dollars and a half an hour lower—two hundred feet away with two constructions aside of him in the same State. Then they say, "Why are they working for two dollars an hour lower?" Where are they going to secure employment without it? Because we have a Legislature here that is encouraging these people on construction and other types of work to work you for starvation wages, and as long as you are going to do this, you are going to have a state that you have got now, a state with nothing!

Educate them, they're leaving town because you can't employ them for wages that they can get. You can't find them any job. You have spent millions of dollars for college to educate them. The minute they graduate they got to get out of here, you haven't got a job that you can supply them, that he will ask for his service. But again you are cutting the wages down to see that they don't get anything and they go right in the line.

Now we are facing a tax bill to increase the salaries of the state employees. I have seen some standing up to support the kill of this order but supporting the salaries of the state employees one hundred percent. Why and for what reason? The salaries of the state employees should go up, I agree with it. But I agree again that we should cut the other one. We should use them equal.

And I am hoping that this order will be voted in favor here instead of a move to kill as some of us have gone by it, so we can have a Committee of Conference possibly on this matter and study and find out if we can do anything to relieve these people too.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi that this Order be indefinitely postponed.

Whereupon, Mr. Couture of Lewiston requested a roll call vote.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, requests that the vote be taken by the yeas and nays. For the information of the House, the passage of this order requires a two-thirds vote. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The Chair will rule that the indefinite postponement motion is not in order as this order requires a two-thirds affirmative vote of the members present and voting. If you are in favor of the passage of this order to recall this bill you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA—Barnes, Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Bunker, Carrier, Carter, Casey, Chandler, Coffey, Cote, Couture, Cox, Crommett, Croteau, Cushing, D'Alfonso, Dam, Danton, Drigotas, Emery, Eustis, Fecteau, Fraser, Gauthier, Giroux, Good, Hewes, Huber, Hunter, Jalbert, Jutras, Keyte, Kilroy, Lawry, Lebel, Leibowitz, LePage, Marquis, Martin, McKinnon, Mills, Morgan, Nadeau, Noyes, Ouellette, Payson, Ricker, Rocheleau, Santoro, Sheltra, Soulas, Temple, Tyndale, Vincent, Waxman, Wheeler, Wood.

NAY—Allen, Baker, Benson, Beraman, Bragdon, Brown, Buckley, Carey, Chick, Clark, C. H.; Clark, H. G.; Crosby, Cummings, Curtis, Dennett, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Hichens, Immonen, Jameson, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lin-

coln, Lund, MacPhail, Marstaller, McNally, Meisner, Millett, Morehead, Mosher, Page, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Susi, Thompson, Trask, White, Wight, Williams.

ABSENT—Birt, Burnham, Corson, Cottrell, Curran, Faucher, Fortier, A. J.; Fortier, M.; Foster, Gilbert, Harriman, Heselton, Laberge, Levesque, McTeague, Mitchell, Norris, Richardson, H. L.; Sahagian, Starbird, Stillings, Tanguay, Watson.

Yes, 61; No, 66; Absent, 23.

The SPEAKER: Sixty-one having voted in the affirmative and sixty-six having voted in the negative, sixty-one not being two thirds, the Order fails of passage.

Sent up for concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that all Joint Conference Committees which have been appointed and are in being as of this date be directed to complete their work and file their respective reports no later than Thursday, June 19th (S. P. 508)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

#### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Joint Order relative to University of Maine at Portland—Study re Preservation of Building (S. P. 423) reporting that the House recede and concur with the Senate. (Signed)

KELLAM of Cumberland

CONLEY of Cumberland

BERRY of Cumberland

—Committee on part of Senate.

WAXMAN of Portland

RICHARDSON

of Stonington

PORTER of Lincoln

—Committee on part of House.

Came from the Senate read and accepted.

In the House, the Report was read.

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

Mr. RICHARDSON: Mr. Speaker, I would move that we recede and concur and would speak briefly to the motion.

The SPEAKER: Is it the pleasure of the House to adopt the Committee of Conference Report?

The motion prevailed.

The SPEAKER: The gentleman from Stonington, Mr. Richardson moves that the House recede and concur. The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, there is a very definite possibility that this building may be accepted as a historic site by the Interior Department; it has been presented to the State Parks Department. Therefore, in view of the fact that it was designed and built sometime in the early 1800's as those of you who read the article in the Portland paper last Sunday know, I would hope that we could vote at least to keep this historic building alive for a short time to see what the Parks Department will do with it.

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

Mr. RICHARDSON: Mr. Speaker, I direct an inquiry to the elder Richardson from Stonington. I would like to know whether or not this Committee of Conference Report, that we have accepted and where now it is suggested that we recede and concur, involves the committee made up of legislators as the original order did who are going to go down and in my judgment substitute their opinions and desires in this matter for those of the Board of Trustees?

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

Mr. RICHARDSON: Mr. Speaker, I would hope that the group that studies this will work very closely with the trustees and I would as-

sume that the trustees will make the final judgment on this building. The only thought of the Committee is that this would be kept alive for a short time to see if there is any possibility of moving it by an interested group in Portland or the State or the National Park group.

Thereupon, the House voted to recede and concur.

**Reports of Committees  
Ought to Pass in New Draft  
Tabled until later in today's session**

Report of the Committee on Judiciary on Bill "An Act Defining the Crime of Theft Known as Shop-stealing and Establishing Rights and Penalties" (S. P. 365) (L. D. 1247) reporting same in a new draft (S. P. 503) (L. D. 1599) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read.

(On motion of Mr. Berman of Houlton, tabled pending acceptance of Report and assigned for later in today's session.)

**Ought to Pass with  
Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act relating to Truth in Advertising" (S. P. 329) (L. D. 1128) reporting "Ought to pass" as amended by Committee Amendment "A" (S-267) submitted therewith.

Report of same Committee on Bill "An Act relating to Poor Debtors" (S. P. 333) (L. D. 1152) reporting "Ought to pass" as amended by Committee Amendment "A" (S-268) submitted therewith.

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed as amended by Committee Amendment "A".

In the House, the Reports were read and accepted in concurrence and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted in concurrence, and the Bills assigned for third reading tomorrow.

**Amended in Senate**

Report of the Committee on State Government on Bill "An Act Abolishing the Maine Aeronautics Commission, Transferring Certain of its Powers to an Aeronautical Director, Providing for the Tenure and Compensation of Such Director and Relating to the Aeronautical Fund" (S. P. 383) (L. D. 1356) reporting "Ought to pass" as amended by Committee Amendment "A".

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

In the House, the Report was read and on motion of Mr. Rideout of Manchester, accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-266) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-274) was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted.

The Bill was assigned for third reading tomorrow.

**Final Report**

Final Report of the following Joint Standing Committee:

Legal Affairs

Came from the Senate read and accepted.

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

**Non-Concurrent Matter**

Bill "An Act Providing Notice or Severance Pay by Employers" (S. P. 156) (L. D. 474) which was indefinitely postponed in non-concurrence in the House on June 9.

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

In the House:

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

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

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

that the House recede from its former action and concur with the Senate.

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

Mr. DURGIN: Mr. Speaker and Ladies and Gentlemen of the House: The other body has placed an amendment on this bill to rectify the unconstitutionality with the amendment.

Now I have a statement from the Attorney General's office—"This amendment is a statement of facts." He says, "Although we are cognizant of the fact that the above suggested statement of facts would become no part of the law itself, we are of the opinion that a clear declaration of the legislative intent which upon the law might be enough to convince a court that the classification of one hundred employees or more set forth in the amendment is not an arbitrary classification."

He also goes on to say, "Please be advised that with the adoption of the above quoted statement of facts, or language similar thereto, we do not rule that the proposed amendment is constitutional. For the reason set forth in our opinion of May 28, 1969, we are extremely doubtful whether a court could uphold the classification as set forth."

I therefore ask this House to vote against receding and concurring, because as far as I am concerned the amendment is still unconstitutional.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: We have of course debated this subject many times and I fail to see how the adoption of a so-called statement of fact, which is in fact not based on any analysis by this Legislature, which in my judgment is simply bootstrap logic to try to put in the bill something that really doesn't belong there in the first place as part of the bill and in the second place makes us I think appear in very bad light. I think that following this kind of course is the wrong idea. I support Mr. Durgin, the gentleman from Raymond, in his position on this.



I want to suggest again to you that those who back away from sending this question to the court are I think operating under a dangerous misconception. I would rather have us send this matter to the court and get their opinion. This is what I suggested, at least implied two weeks ago, a week and a half ago; and I just can't understand why this Legislature is going to make an arbitrary, unreasonable and capricious distinction between classes of employers when that distinction is not based on any facts or any difference in actual status in these various employers. It is for this reason that I oppose this bill and I hope that we will not recede and concur and I hope that we will go on eventually to adhere.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Couture, that the House recede and concur. The Chair will order a vote. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

Thereupon, on motion of Mr. Carter of Winslow, the House voted to insist and ask for a Committee of Conference.

#### **Non-Concurrent Matter**

Bill "An Act Creating the Department of Natural Resources" (S. P. 386) (L. D. 1381) on which the House accepted the Majority "Ought not to pass" Report of the Committee on State Government in non-concurrence on June 13.

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

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

#### **Non-Concurrent Matter**

Bill "An Act Revising the Water and Air Environmental Improvement Laws" (H. P. 905) (L. D. 1166) which was passed to be engrossed as amended by Committee Amendment "A" in the House on June 10.

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

In the House: On motion of Mr. Snow of Caribou, the House voted to recede and concur with the Senate.

#### **Non-Concurrent Matter**

Bill "An Act to Incorporate the Town of Flagstaff" (H. P. 1241) (L. D. 1576) which was passed to be engrossed in the House on June 6.

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

In the House:

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

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

The SPEAKER: The gentleman from Manchester, Mr. Rideout, moves that the House recede and concur. Is this the pleasure of the House?

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

Mr. BERMAN: Mr. Speaker and Members of the House: I have been looking over this bill this morning. It probably is all right, but there are some questions in my mind, one of them—why does this area need to be incorporated in a town and whether or not in section 4 of the bill dealing with legislative apportionment, why it says that "the Town of Flagstaff shall remain in the same legislative district in which the unorganized territory located in Somerset County and consisting of said Township 3, Range 3 BKP WKR and that part of Township 4, Range 3, BKP WKR located in Somerset County, is now classed"? And apparently the bill takes in that part of the unorganized territory which lies southerly or east-

erly of the thread of the Dead River.

Now it is possible that there may be part of the unorganized territory that also includes areas that don't lie southerly or easterly of the thread of the Dead River and I would like an explanation of this bill, Mr. Speaker.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I will be very brief. The first part of the gentleman's question, this is a companion bill to the Mountain Airport Authority bill. This legislation is necessary in order that further steps may be taken with the Mountain Airport Authority toward the realization of more significant recreational development. If for some reason the project should not proceed toward orderly completion, this L. D. would never be implemented and no town would be formed. On the other hand, the failure to act now may prevent further steps from being taken.

As for the second part of the question, I have no idea.

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

A vote of the House was taken.

96 having voted in the affirmative and 12 having voted in the negative, the motion did prevail.

The following papers from the Senate appearing on Supplement No. 1:

From the Senate: The following Order:

ORDERED, the House concurring, that Bill, "AN ACT Relating to Powers and Duties of the Attorney General," S. P. 142, L. D. 424, be recalled from the Governor to the Senate (S. P. 511)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

#### Tabled Until Later in Today's Session

From the Senate: The following Order:

ORDERED, the House concurring, that Bill, "AN ACT to Give Relief to Elderly Persons from the Increasing Property Tax." S. P. 474, L. D. 1550, be recalled from the Governor to the Senate (S. P. 514)

Came from the Senate read and passed.

In the House: The Order was read.

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

Mr. HEWES: Mr. Speaker and Members of the House: Could I inquire of someone in the House as to what the purpose is of recalling this from the Governor's office?

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

The Chair recognizes the same gentleman.

Mr. HEWES: Mr. Speaker, in view of no explanations as to why this should be called from the Governor's office, I don't see why we should, and I plan to vote against the proposed order.

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

#### Messages and Documents

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

June 16, 1969

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

Dear Madam Clerk:

The Governor having returned to the Senate: Bill, An Act Prohibiting the Expenditure of Public Funds to Promote or Oppose Measures to be Voted on at Elections. (S. P. 412) (L. D. 1368) together with his objections to the same, the Senate proceeded to vote on the question: Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a yea and nay

vote was taken, 14 Senators having voted in the affirmative and 16 Senators having voted in the negative, the Bill accordingly Failed to become law, and the veto was sustained.

Respectfully,

(Signed) JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### Orders

On motion of Mr. Ross of Bath, it was

ORDERED, that Mr. Fortier of Waterville be excused from attendance for the duration of his illness.

On motion of Mr. Shaw of Chelsea, it was

ORDERED, that Mr. Norris of Brewer be excused from attendance for the duration of his illness.

Mr. Ross of Bath presented the following Joint Resolution and moved its adoption:

WHEREAS, from one man's tragedy sprang the great crusade that has brought crippled children from the back bedrooms, from the shadows of superstition and ignorance, to health, strength and active participation in the mainstream of American life; and

WHEREAS, the Easter seal story, sparked by Mr. Edgar Allen, has given crippled children and adults the reassurance that a dignified and rewarding life is now possible for those once condemned to a lifetime of isolation and suffering; and

WHEREAS, annually assisting more than 1,000 handicapped persons from darkness to the full light of public acceptance and understanding the Pine Tree Society for Crippled Children and Adults, founded in 1936, is but one of 2,000 Easter seal affiliates throughout the country; and

WHEREAS, November 20, 1969, will mark the 50th anniversary of the founding of the crippled children movement in the United States and the special issue of a commemorative stamp proclaiming this triumph from tragedy; now, therefore, be it

RESOLVED: That the Senate and House of Representatives of

the One Hundred and Fourth Legislature assembled, commend the spread and development of this great humanitarian cause during the past 50 years and take particular note of this, the golden anniversary, marking the beginning of triumph over tragedy through Easter seals and its organized service to the handicapped, which has meant so much to so many; and be it further

RESOLVED: That suitable copies of this Joint Resolution be forwarded to the Pine Tree and National Societies for Crippled Children and Adults in honor of this occasion. (H. P. 1274)

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

Mr. ROSS: Mr. Speaker and Ladies of the House: This year is the 50th anniversary of the founding of the Crippled Children's movement in the United States. This fall at the annual national convention a commemorative stamp will be issued by the United States Post Office Department. Each state legislature is passing joint resolutions commending this great humanitarian cause. I have had the resolution reproduced for your information and I now move its adoption.

The Joint Resolution was adopted and sent up for concurrence.

#### Passed to Be Engrossed Amended Bill

Bill "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education" (H. P. 1232) (L. D. 1565)

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

#### Passed to Be Enacted Emergency Measure

An Act to Clarify School Construction Aid for Certain Units (S. P. 283) (L. D. 930)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This, being an

emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine (S. P. 338) (L. D. 1136)

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

An Act relating to Jurisdiction and Judicial Divisions of the District Court (S. P. 468) (L. D. 1526)

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 Revising the Maine State Personnel Laws (H. P. 1048) (L. D. 1376)

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

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to take much of your time this morning and it is probable, although this is not good psychology, it will be an exercise of futility; but I am going to speak to a motion of indefinite postponement of this bill.

The attorneys in the House will know what I am talking about when I say that I have qualified as an expert witness in National Labor Relations hearings.

This bill, if passed, would set the personnel and civil service that we now have back at least twenty years. It would put patronage back not only at the top levels but right down into the departments and so that the Executive could reach down into these lowest echelons of the departments and impose the will, whether it be Republican or Democrat. It would

not be good if it were either as far as I am concerned, and I think that there isn't much more that I can say. This has been talked about before and discussed here before you, but I do move for indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can understand the position that the good gentleman from Lubec, Mr. Donaghy is in. This measure has had long history. The report of the State Government Committee was 9 to 1 "ought to pass." I would like very briefly to set some things straight into the record as the real reasons behind my presentation of this bill.

Going back to the first Legislative Research study that was made on this in 1951, I would quote from that report that so far as the administration of the law, and I quote, is concerned, "The Committee is equally firm in its conviction that a substantial improvement can be made. The Committee notes without reflection upon those who are currently administering"—it is no reflection, "without reflection on those who are currently administering the department. However, a payroll of some \$19,000 involving 7,000 employees on a budget of \$36,000 per year with eleven employees is too small."

It goes on to say, "The Committee is summarizing their conclusion that there is nothing to be gained by a personnel law amendment, repeats the statement of Chairman Getchell of the Board when he said that the Legislature should soon either abandon the personnel law or give it sufficient appropriation support to permit reasonable operation. Abandoning the civil service provision in favor of political favoritism in State employment would be unthinkable, and thus the Committee hopes for legislative support for more yearly adequate support for this important piece of state government."

Certainly since that time the Legislature has gone from the budget of \$76,000 for the biennium

to the sum of now \$358,000.97 for this present biennium up to now.

Now I will go back to where, very shortly, to where these monies have gone to. Since then the Legislative Research Committee has made a three phase study, cost of \$70,000 on this project. This was made, as I said, in a three phase area and one of the phases was the Personnel Board. Contrary to the thinking this would not take the State Personnel Board — put them in the area of politics. This would take them out of the present area of intra-politics in my humble opinion, and I shall attempt to prove my point.

I would say in passing that the Secretary of State, the Honorable Joseph Edgar; Commissioner of Education, William Logan; Commissioner of Health and Welfare, Dean Fisher, and several other department heads have joined in this thinking of the passage of this measure. It would not in any way infringe upon the civil service area, it would merely make a stronger director, it would merely make a personnel department, the personnel board an advisory board.

Now let us go back for a moment and see just what this highly touted Personnel Board has been doing. Now I have with me the salaries of the State employees, the "snoop" book so-called, of the year 1954 and 1969. For instance in 1954 the salary of the director was \$227; the salary of the director according to 1969 is \$336. It might be noted that the salary of the present director who was then assistant director was then \$177; It is now \$336. This here is done through merit increases, through promotions, through range differentials as has been arranged by the Personnel Board.

The assistant director, the Technician III within the Personnel Department itself, now has gone from an area of \$153 to \$251 in that same span of years which is a differential of \$98. The Personnel Technician III, a new title, it used to be Personnel Technician or Personnel Director, it is now Personnel Technician with all the emoluments involved comes up to the salary increases of \$107. This

is the top and I could go on and on.

Now just to give you one example in one area alone on the first of July, 1968 the Assistant Director was given an increase, a sweeping increase for that day, on that day of a range change involving \$43 a week. The Chief Personnel Technician on the same day was given an increase, one sweep of \$40 a week.

Now in my humble opinion this is favoritism by the Personnel Board as it now exists to the personnel within their own department, I respectfully submit to you that in other areas that this certainly has not been the case. Certainly these people here would be in a position to better judge those who should get merit increases and probably by having a strong director — and I am not in any way indicating that we should change the director, I have no recommendations whatever to make, but the department heads in many cases could stand here and tell you that they stood to lose a great many very valuable employees. I think that over the many many years we have cooperated to the fullest extent with the Personnel Board, money-wise, job-wise, range-wise and other-wise and I think it is high time now to try something else. And respectfully I hope that the motion of the gentleman from Lubec, Mr. Donaghy will not prevail.

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

Mr. DONAGHY: Mr. Speaker, I simply want to say that as I indicated in my opening statement that differences of opinion will make horseraces and the good gentleman from Lewiston has read into the record the reasons for his bill, but I contend that we do have a better than average personnel system and a civil service system here in the State of Maine and any improvements or any needed changes could very well be put in by appointments from the Executive or by executive orders. So we do not need this legislation and I again move for indefinite postponement.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I hadn't paid too much attention to this bill until the Representative from Lubec, Mr. Donaghy got up and in going through it I find the section entitled "Decentralization," and to me from twenty-five years' experience in personnel work this would be a very very bad move to do what is proposed in this section of the Act, in that anyone applying for a position with the State no longer would apply to a central Personnel Department but would have to apply to every department in the State; and to me that alone makes this a very bad bad bill and I hope the House joins and supports the motion of the gentleman from Lubec, Mr. Donaghy.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I am going to be brief. We have debated this at great length the other day and again today. I would remind the House that the report of the Committee after an extensive hearing was 9 to 1 "ought to pass." Mr. Donaghy has had a bellyache about the bill ever since and he still has it and I hope we will vote against his motion and pass this bill.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: As an individual and not speaking by any means in this instance for the Republican Party, I want to tell you that Mr. Donaghy's bellyache is apparently contagious because I don't like the bill either. I think that the answer to the problem is not to castigate the present system, it is to improve it, and I have serious reservations about appointing a Personnel czar for the State of Maine.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Well,

I was just showing this morning the gentleman from Hampden, Mr. Farnham, all at once still persists that anything that I have apparently is very very bad, and I am happy at least to see some sort of marriage between my Republican colleagues, the gentleman from Cumberland, Mr. Richardson and the gentleman from Lubec, Mr. Donaghy. I mean it seems strange such a very very bad bill would keep going back and forth and back and forth without being touched. And all at once, I mean it is.

Now we have done everything in our power, everything that we could do to set up something that would be all right insofar as the Personnel Department is concerned. They wanted money; we gave them money. They wanted personnel; we trebled that. Now I am not wanting to change and set up any czars. This does not set up any czars. This leaves the civil service provisions exactly as they are. I mean as far as I am concerned I would be perfectly happy to see the present director in his present position. I am unhappy about a group of directors who take it upon themselves to wait until we leave and then turn around and hand out within their own department raises beyond what we gave them to the tune of \$40 and \$50. And this is a very good bill and when we vote I move we vote with the yeas and nays.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy that House Paper 1048, L. D. 1376, An Act Revising the Maine State Personnel Laws, be indefinitely postponed.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lubeck, Mr. Donaghy that the Bill be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

**ROLL CALL**

YEA—Allen, Baker, Benson, Ber- man, Birt, Bragdon, Brown, Buck- ley, Chick, Clark, C. H.; Clark, H. G.; Crosby, Cummings, Cushing, Donaghy, Dudley, Durgin, Erick- son, Evans, Farnham, Finemore, Hall, Hanson, Hardy, Haskell, Heselton, Hewes, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lewin, Lewis, Lincoln, Mar- stallier, Meisner, Millett, More- shead, Noyes, Page, Payson, Por- ter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Scott, C. F.; Scott, G. W.; Shaw, Snow, Susi, Trask, White, Wight, Wil- liams, Wood.

NAY—Barnes, Bedard, Bernier, Binnette, Boudreau, Bourgoin, Bunker, Carey, Carrier, Carter, Casey, Chandler, Coffey, Corson, Cote, Cottrell, Couture, Cox, Crom- mett, Croteau, D'Alfonso, Dam, Danton, Dennett, Drigotas, Dyar, Eustis, Faucher, Fecteau, Fortier, A. J.; Fraser, Gauthier, Giroux, Good, Hawkens, Henley, Hichens, Hunter, Jalbert, Jameson, Jutras, Kelleher, Keyte, Kilroy, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lund, MacPhail, Mar- quis, Martin, McKinnon McNally, McTeague, Mills, Morgan, Mosher, Nadeau, Ouellette, Quimby, Ric- ker, Rideout, Rocheleau, Ross, Santoro, Sheltra, Starbird, Still- ings, Temple, Thompson, Tyndale, Vincent, Waxman, Wheeler.

ABSENT — Brennan, Burnham, Curran, Curtis, Emery, Fortier, M.; Foster, Gilbert, Harriman, Laberge, Mitchell, Norris, Saha- gian, Soulas, Tanguay, Watson.

Yes, 57; No, 77; Absent, 16.

The SPEAKER: Fifty-seven hav- ing voted in the affirmative and seventy-seven in the negative, the motion does not prevail.

The Chair recognizes the gentle- man from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move that we reconsider our ac- tion whereby we failed to indefin-

itely postpone this bill and when you vote I hope you vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert moves that the House reconsider its ac- tion whereby the indefinite post- ponement motion failed. All in fa- vor will say yes; those opposed will say no.

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

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

On request of Mr. Benson of Southwest Harbor, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her inten- tion 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 concurren- ce, and all matters that re- quired Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider shall be in order

The SPEAKER: The Chair rec- ognizes the gentleman from Cum- berland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speak- er, I would move that the House be in recess for one half hour or until the sounding of the bell.

Whereupon, the House recessed.

**After Recess**

Called to order by the Speaker.

On motion of Mr. Richardson of Cumberland,

Recessed until two o'clock in the afternoon.

**After Recess**

2:00 P.M.

The House was called to order by the Speaker.

**Orders of the Day**

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

Bill "An Act Making Supple- mental Appropriations for the Ex- penditures 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) consideration of which the House was engaged in at the time of adjournment yesterday, the pending question being motion of Mr. Jalbert of Lewiston to indefinitely postpone. (Senate Amendment "C" S-246 as amended by House Amendment "A" H-526 adopted)

Whereupon, Mr. Jalbert of Lewiston withdrew his motion of indefinite postponement.

Mr. Porter of Lincoln offered House Amendment "K" and moved its adoption.

House Amendment "K" (H-547) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen of the House: My contribution to the confusion is a series of amendments, the first of which is H-547. All this amendment does is reduce the Attorney General's office by one attorney general. There is money in there for an increase in pay and it eliminates one attorney general and I move for its adoption.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment and wish to speak to my motion.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin moves the indefinite postponement of House Amendment "K". The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The one additional personnel given to the Department in the Attorney General's office would be for one purpose and it would be for investigative and legal talent of one man to be assigned to that department to work in one field, and that field happens to be the Water and Air Environmental Improvement Commission. The Assistant Attorney General's job entirely would be to help enforce the laws dealing with pollution control. I do not feel that we should remove this job if we really

want to do the job that we want done in water pollution.

I do respect the gentleman from Lincoln, Mr. Porter in offering the amendment, but I do not feel that I as a member of the Appropriations Committee can support it.

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

Mr. BENSON: Mr. Speaker and Members of the House: I would add just a word to what the gentleman from Eagle Lake, Mr. Martin has already said. The fact is that the Attorney General's Department is somewhat backed up with these pollution problems and the one person that we have provided for under Part II is to do just exactly that, handle the legal end of these pollution problems, pollution control problems, and I think that it would be a rather hollow victory if we were to remove this one person, a person that we have put in here to take care of the court battles on these problems.

So I hope that the motion to indefinitely postpone does prevail.

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

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: It would seem to me as though this would be a most desirable position. On the other hand, there are perhaps ten or so Assistant Attorneys General and that the work could be equitably divided, this extra work equally divided among the other half dozen, eight or ten or whatever number Assistant Attorneys General there are, and in view of the fact we are having this tremendous problem in attempting to raise sufficient revenue to fund L.D. 1483 I would think that this would be a wise place in which to cut the budget somewhat.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I support the amendment offered by the gentleman from Lincoln, Mr. Porter. I know Mr. Porter wants this probably as much as the rest



of you do in the House, but he is a realistic man. He has seen us sit here for days and not being able to get off from dead center, so the time has come now when we have got to do something to get moving and I hope you will support this amendment and the ones to follow. Thank you.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of the amendment offered by the gentleman from Lincoln, Mr. Porter. I think this is a realistic amendment and I think the time has come to take into consideration that we cannot go on consistently increasing the number of employees in state government. I have absolutely no fault to find with the Attorney General's Department but it seems when you go down there, there are plenty of attorneys general around, assistant attorneys general and I think it is time, particularly in view of our dire predicament, that we took some action and I heartily support this amendment.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: You all remember the debate over the Prestile Stream, my comments then, my argument was made at the time that it was indeed great to hit the one particular industry on one particular stream, and when the time came when we could do something about stopping pollution in this state I doubted whether the very members who voted against my position would be willing to enforce the pollution laws that we have on the books. And today we have an opportunity, an opportunity not to remove that one person that would be assigned to the field of enforcement.

Mr. Speaker, I hope that when the members vote they realize that they are voting against water pollution if they vote for indefinite postponement and those who vote against indefinite postponement I

would wish the record to show that they are in favor of water pollution. Mr. Speaker, when the vote is taken I move it be taken by the yeas and nays.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Let the issue not be clouded by such dire threats as you have just heard. I still insist that until our departments—we have so many people involved, until our departments and our department heads learn that they can have some of their people wearing two hats, it is about time we told them to wear two hats, and in spite of the fact that I am an admirer of the Attorney General's Department, I think he has done a good job and his people have done a good job, I still say that they can get along without one man and still enforce laws.

Now I feel that we are way out in left field when we say that just because we might vote against the removal of one man in our law enforcement division that we are voting for pollution. That is a ridiculous statement.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I want to commend the gentleman from Lincoln for the fortitude he has in order to dare to get up here and be willing to remove a man that is not already appointed. I think they have enough men in that department to handle that work. All they have got to do is spread the work out a little bit and we will get results, and I think they have enough that they could work on that water pollution and get some results. And I am going to follow Mr. Porter.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I concur wholeheartedly with Mr. Dennett. I feel, in reply to the gentleman from Eagle Lake, that if we want clean water we better get

some sanitary engineers. I am also going to vote for a full-time Attorney General and that will give us a place to spread some of the work if they are overloaded there.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: With reference to the pending amendment and those that I assume are going to follow, let me say that I commend the gentleman from Lincoln, Mr. Porter for offering proposals that may prove to be constructive alternatives and may prove to be improvements in the present budget. And I think that all of us should commend those who have the courage and the industry to go ahead and prepare these amendments and come forward so that we discuss them and debate them here.

The only way out of this terrible dilemma that we find ourselves in—and it is just that, a terrible dilemma, is for amendments such as this to be brought forward and discussed. With respect to this particular amendment, I feel that we have improved the Water and Air Environmental Improvement Commission's staff, that we should take the logical companion step and provide an additional assistant attorney general whose full attention can be focused on the enforcement of our pollution law. That is not meant as a criticism of the present Attorney General or any of the Assistant Attorneys General who are now serving.

I shall vote for indefinite postponement, but in doing so I want to again commend the gentleman from Lincoln and all of the rest of you who have had the industry and the courage and the forthrightness to bring out proposals for change. And no one need feel that they are bringing these amendments in here simply to have them slaughtered. I don't think that at all. I think that we owe every one of these careful consideration and there are perhaps some of them that really should be adopted.

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

Mr. PORTER: Mr. Speaker and Members of the House: The last few days we have heard a good deal about this budget being too large and you have been hearing the same from me. I think it is too large. Now the question is, how are we going to cut it down? I have brought in a series of amendments, good, bad and indifferent, but I think if you are interested in cutting down, I think we better start right this afternoon and here is one place. I hope you will support the amendment.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: Very briefly for your observation and thinking, if it is the desire of the House of Representatives to delete one of these new men from the Attorney General's office, and looking back over the history of the last three or four years the Attorney General has indicated that he is unable to do a good job of policing the pollutions of our rivers and streams with the amount of help that he had. And this I would put a great big question mark, with the exception of the Prestile Stream the Attorney General has completely ignored the rest of the pollution in the State of Maine and now if we are in the process of taking this additional man he thinks may be necessary in order to do any kind of policing, what are we trying to do?

We are trying to tell the Attorney General's office that you haven't done anything as far as policing our present pollution laws because you haven't had the staff. Now because there is an additional staff required that you might be able to go to some other areas in the state other than the Prestile Stream, forget it; we're not going with it. Because we need an additional man. So you go ahead and cut out the additional man and you are going to find the Attorney General's office back at the Prestile Stream and forget the rest of the pollution in the State of Maine.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin that House Amendment "K"

be indefinitely postponed. He further moves that when the vote is taken it be taken by the yeas and nays.

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

A vote of the House was taken, and more than one fifth 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 Eagle Lake, Mr. Martin that House Amendment "K" be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Benson, Berman, Bernier, Boudreau, Bourgoin, Brennan, Carter, C a s e y, Chandler, Coffey, Corson, Croteau, Cummings, Drigotas, Emery, Eustis, Fecteau, Fortier, M.; Fraser, Gauthier, Giroux, Good, Haskell, Heselton, Jalbert, Jutras, Kilroy, Lebel, LePage, Levesque, Lund, Marstaller, Martin, McKinnon, McTeague, Millett, Mills, Morgan, Nadeau, Pratt, Richardson, H. L.; Rideout, Rocheleau, Ross, Sahagian, Santoro, Shaw, Stillings, Susi, Temple, Vincent, Watson, Waxman, Wheeler.

NAY — Barnes, Bedard, Binnette, Birt, Bragdon, Brown, Buckley, Carey, Carrier, Chick, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Couture, Crommett, Crosby, Curtis, Cushing, Dam, Danton, Dennett, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Faucher, Finemore, Fortier, A. J.; Gilbert, Hall, Hanson, Hardy, Harri-man, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Jame-son, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, Lewin, Lewis, Lincoln, MacPhail, Marquis, McNally, Meisner, Moreshead, Mosher, Noyes, Page, Payson, Porter, Quimby, Rand, Richardson, G. A.; Ricker, Scott, C. F.; Scott, G. W.; Sheltra, Snow, Starbird, T a n g u a y, Thompson,

Trask, Tyndale, White, Wight, Wil-liams.

ABSENT — Bunker, Burnham, Cox, Curran, D'Alfonso, Foster, Hunter, Laberge, Leibowitz, Mitch-ell, Norris, Ouellette, S o u l a s, Wood.

Yes, 56; No, 80; Absent, 14.

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

Thereupon, House Amendment "K" was adopted.

The SPEAKER: The Chair recog-nizes the gentleman from Lin-coln, Mr. Porter.

Mr. PORTER: Mr. Speaker, suc-cess is a heady object; I will try it again. I submit House Amend-ment "H" under filing number 544 and moved its adoption.

House Amendment "H" (H-544) was read by the Clerk.

The SPEAKER: The Chair recog-nizes the gentleman from Orono, Mr. Chandler.

Mr. CHANDLER: Mr. Speaker and Members of the House: I will be very brief. Representing the Town of Orono it would be unthink-able of me not to stand and op-pose this amendment; so I do. To my mind the Appropriations Com-mittee has provided an absolute minimal additional figure for the University of Maine, and I move the indefinite postponement of this amendment. When the vote is taken I would request that it be taken by the yeas and nays.

The SPEAKER: The gentleman from Orono, Mr. Chandler moves the indefinite postponement of House Amendment "H" and fur-ther moves that when the vote is taken it be taken by the yeas and nays.

The Chair recognizes the gentle-man from Stonington, Mr. Rich-ardson.

Mr. RICHARDSON: Mr. Speak-er and Members of the House: I would rise in support of the amend-ment; I think that this is less than a 5% cut. And in view of the fact that we have already given the University of Maine a 40% increase I do not feel that a 5% cut is going to bloody them at all.

The SPEAKER: The Chair recog-nizes the gentleman from Ken-nebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to prevail for a moment. I was just wondering where specifically this cut would be. It is a generalized amount of \$300,000, but I would like to know what program would be affected by this.

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

Mr. RICHARDSON: If you will examine the request for the appropriation, my good friend Mr. Tyndale from Kennebunkport, you will find that there is no specific amount spelled out here, nowhere it is going to go, so I don't know how anyone could tell where it is going to be cut out.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I think I will have to beg the indulgence of the Members of the House this afternoon to find out that a few words has been mentioned in the newspapers as late as yesterday and today, that the south campus of the University of Maine is most likely going to be shut down. Now granted the University of Maine has requested a lot of money. I look at it in this light. We are going to furnish education to get our students out of grammar school, we are going to try to get them out of high school, and then we are going to tell them—we're sorry, this is as far as you can go.

With a couple of hundred thousand dollars taken off the budget, just how much nit picking is anybody trying to do to the University of Maine at this session of the Legislature? I think probably if you increase the allocations of the University of Maine by the same amount that is being cut in this amendment, you might be able to keep the campus open and probably able to add three or four hundred additional students that may be taken, that otherwise will be left out of the University

of Maine. And those are students from our own State of Maine.

So this area of nit picking as far as some members of the House are concerned might have had a philosophy, but I fail to see where any one of them that have introduced these amendments have been able to come up with a philosophy as to how they are going to operate a university and educate the youngsters of our state to higher education if they are going to try to cut everything that is going to be able to keep the University to a fair level to take care of our students that are in dire need of higher education.

So I will definitely support the motion of the gentleman from Orono, Mr. Chandler to indefinitely postpone this amendment and if the yeas and nays have not been requested I do request them.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentleman from Lincoln, Mr. Porter, who offered this amendment. And the question is whether this is just an arbitrary cut?

The SPEAKER: The gentleman from Portland, Mr. Brennan poses a question through the Chair to the gentleman from Lincoln, Mr. Porter, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. PORTER: You can call it arbitrary or you can call it anything you want to. We had word from the University that they could live with this cut.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: May I request just where the word came from, if this is going to be a cut that is sanctioned and authorized by the University of Maine. It doesn't seem to me to be logical that the University of Maine trustees and the Chancellor of the University of Maine on one side the street would say we need \$300,000 more in order to bring

in three or four hundred students, if by the same token would say on the other side of the street that we can live with a \$300,000 cut.

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

Mr. BRAGDON: Mr. Speaker, with regard to the questions I don't know that I am going to attempt to answer them, but let me point out to the gentleman from Portland and the gentleman from Madawaska that this appropriation was made in a blanket form: there were no strings attached to it whatsoever. So how else—I will now reverse the question and let them answer us how else could a cut be made?

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Chandler that House Amendment "H" be indefinitely postponed.

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

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

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

**ROLL CALL**

YEA — Allen, Baker, Benson, Bernier, Boudreau, Bourgoin, Bragdon, Brennan, Carter, Casey, Chandler, Coffey, Corson, Croteau, Cummings, Danton, Drigotas, Erickson, Eustis, Fortier, M.; Fraser, Gilbert, Giroux, Haskell, Johnston, Kilroy, Lebel, LePage, Levesque, Lund, Martin, McKinnon, McTeague, Millett, Mills, Morgan, Richardson, H. L.; Rochelleau, Santoro, Scott, C. F.; Shaw, Sheltra, Susi, Temple, Vincent, Watson, Waxman, Wheeler, Wood.

NAY — Barnes, Bedard, Ber- man, Binnette, Birt, Brown, Buck- ley, Bunker, Carey, Carrier, Chick, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Couture, Cox, Crom- mett, Crosby, Curtis, Cushing, D'Alfonso, Dam, Dennett, Don- aghy, Dudley, Durgin, Dyar, Em- ery, Evans, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Gauthier, Good, Hall, Hanson, Hardy, Harriman, Hawkens, Hen- ley, Heselton, Hewes, Hichens, Huber, Immonen, Jalbert, Jame- son, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, Leibowitz, Lewin, Lewis, Lincoln, MacPhail, Marquis, Mar- stall, McNally, Meisner, More- shead, Mosher, Nadeau, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Ricker, Rideout, Ross, Scott, G. W.; Snow, Soulas, Starbird, Still- ings, Tanguay, Thompson, Trask, Tyndale, White, Wight, Williams.

ABSENT — Burnham, Curran, Foster, Hunter, Laberge, Mitchell, Norris, Ouellette, Sahagian.

Yes, 49; No, 92; Absent, 9.

The SPEAKER: Forty-nine hav- ing voted in the affirmative and ninety-two in the negative, the motion does not prevail.

Thereupon, House Amendment "H" was adopted.

The SPEAKER: The Chair rec- ognizes the gentleman from Lin- coln, Mr. Porter.

Mr. PORTER: Mr. Speaker, I wonder if this is going to be nit picking. I now submit House Amendment "G" under filing 543.

House Amendment "G" (H-543) was read by the Clerk.

The SPEAKER: The Chair rec- ognizes the gentlewoman from Bath, Miss Watson.

Miss WATSON: Mr. Speaker, I move that House Amendment "G" be indefinitely postponed and I ask that when the vote is taken it be taken by the yeas and nays.

The SPEAKER: The gentlewom- an from Bath, Miss Watson moves that House Amendment "G" be indefinitely postponed. She further moves that when the vote is taken it be taken by the yeas and nays.

The Chair recognizes the gentle- man from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: As many of you are this afternoon I so far have supported two of the series of amendments that the gentleman from Lincoln is offering. All through this controversy with the Part II budget I have persistently supported the so-called package plan that was offered some time ago, forty-two million, forty million — what have you. I supported the tax package to fund this, and it is quite apparent in the events of the past few days that there seems to be no tax package. Everyone has his own and nobody is satisfied with any of them.

There may be part of it that can be salvaged, but the salvaged part of it we must take off that part that we cannot pay for, and part of those things that we can't pay for are very desirable. Some are probably needed. But I have been in the position before where I have had to tighten up my belt, I have had to wear shoes that were worn out, simply because I didn't have the money to buy new shoes nor the money to buy food to fill the belly from within. I can remember times that were worse than that when I was a child. Thank God the times are not like that today.

To get back to the subject, the amendment offered presently—and I shall judge each of these amendments as they come on their own merits according to my own conscience as I am sure each of you shall, the amendment removal of town's share of Aid to Dependent Children. The towns do this now. I have consistently supported the State taking over this share. It is quite apparent we do not have funds to do this unless we can come to some sort of an agreement to provide those funds which as I have said we can't.

So I for one, with a great deal of misgivings in my heart, shall support this amendment. I hate to. The gentleman sitting beside me has said that he will do the same thing and he hates to. But if this fiasco that we have suffered through in the last two days continues we have no other course, ladies and gentlemen. We have got to cut, we might just as well cut out the whole Part II and go home.

If we can't fund it reasonably, if we can't fund it as our leadership of both parties has advised us to, which I thought was a very fair and reasonable compromise, if we cannot do this we simply must cut out what we can't fund, fund the rest of it if we possibly can and go home.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment, as you are well aware, does not change or add or subtract from the amount of money that people under the ADC program are getting or will be getting. What it does quite simply is to shift the burden of the 18% from the local communities to the State where it is assumed that there is a more equitable method of taxation than the property tax.

This is one way that we as legislators can help to reduce the property taxes back home. If we feel that we do not want to reduce the property taxes back home, then obviously we should support this amendment. If we feel that the 18% should be picked up by the State and removed from the property taxpayers in the local communities we should vote for the indefinite postponement of the amendment.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Like many of you in this House I served as a municipal officer for five years. I am going to support certain cuts in the appropriations, but certainly not this one. Aid to Dependent Children is a federal and State program. The cities and towns have no say as to how it is going to be spent or how much. Yet they have to pay 18% of the cost. In my mind this is not fair. The State should pay this and we should find the funds to do it, which we have not discussed yet this afternoon but which will be discussed later.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I support

this amendment. I was against the bill in the first place and I having served some twenty years as a selectman and we lived very nicely with this. I do think that the town should have more to say but that isn't to say to give it to the State altogether. Now let me tell you this, this bill here tends to make centralized government and centralized government I am opposed to.

I would rather do it this way. I would rather give the towns 18% of the say, they are paying 18% of the cost and have been for many years. It is only through these local people and your local administrators, whether they be in my town or the City of Bangor, I happen to know the woman in Bangor has done a very good job in this field for more years than I can remember, and we have lived with this for many years and I am sure that they can live with it another couple of years. I do think that instead of trying to put it in centralized government we should give the towns something to say about their 18%, but they give a lot of advice.

Now they are always consulted on this case and many times they find by consulting the local officials that they are being taken and a good many times and I think that it should be, this 18% should be taken on the local level and not centralized government and I think if we did anything we should give the towns 18% of the say. Now they just act in an advisory capacity. It is damned good advice, let me tell you.

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

Mr. FORTIER: Mr. Speaker and Ladies and Gentlemen of the House: I have been very sympathetic to Mr. Dudley's viewpoint but I would like to remind him and remind all the other members of the House that ever since the inception of ADC the towns have never had an iota to say. If a bill was presented today to leave the administration to the towns I might be even more sympathetic, but they have never had anything to say and I think that under the recognized principle that responsibility should go with authority, the only

right thing and fair thing to do is to see that the people that have the authority, or our State Department of Health and Welfare should also pick up the tab.

We have heard in this session a good many times also the fact that this session was to some extent going to subsidize our municipalities. Well just what have we done so far? We have added one mill to the excise tax, period. There is still the school subsidy bill which will probably finally receive approval and there was this bill of ADC, and I think that even if the school subsidy which no doubt will be eventually adopted, that the one mill — not one percent but one mill on the excise tax is really very picayune, and I would also remind you that here we are not talking about saving, we are not talking that the taxpayer will have to pay one penny less, we are simply talking whether the municipalities will have to continue under the burden.

They have had no increase in sales tax going to the municipality. They have had no increase in cigarette tax. They will have no increase in the beer tax, no increase in the gasoline tax, which the State can absorb, from which they could take this out of. And I will certainly go along with the motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: There is one thing we have also left out here on this. I have mentioned it in caucus but never mentioned it in the House. It is the fact that it costs the State money to prove settlements of each one of these ADC cases and at the cost of about \$500,000 for each two years, and I believe with this here that is going to cut out the settlement which will be a \$500,000 saving to the State. Also as I understand it in one of the papers that I have here, that the federal matching funds will increase on the hospital plan for these families.

And as I have voted with the other two members here, to keep them going and to further cut, but in this special case right here and with all this in mind I do believe

that we should go along and indefinitely postpone this amendment.

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

Mr. FARNHAM: Mr. Speaker and members of the House: I join with the gentlewoman from Bath, Miss Watson, in hoping you will vote indefinite postponement on this measure. Now I have gone along with my good friend, Representative Porter from Lincoln on two measures, on one the University of Maine cut I half bit my tongue off, but it is getting a bit heady and I think we ought to put a pin in it now and let's vote.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: The City of Waterville this year is going to have a \$4.5 million budget for which \$20,000 is the City's share in this ADC payment. This comes to a mere one half of one percent and I would certainly oppose the motion to indefinitely postpone and tell you that in fact some of the people that I have talked to in Waterville say that if we can come out with a sensible budget they will be more than happy to absorb this \$18,000 or \$20,000 they have to pay.

Now Mr. Fortier of Rumford has said that the Health and Welfare system had the authority and the responsibility and should pick up the cost of this thing and I would ask the gentleman, where does he think they get their money?

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

Mr. LUND: Mr. Speaker and Members of the House: I am going to vote to indefinitely postpone this amendment because the issue here is not one of whether or not we are going to try to save \$2.2 million. The issue is whether we are going to assume a burden that the State should rightfully assume. This is not a local program; it is a State program. We have paid lip service this session on several occasions to the problem of real estate tax relief; Maine real estate taxpayers now bear the heaviest burdens of any state in the country.

This is a program that the municipalities do not control. The issue here is whether as Republicans we are going to live up to a promise we made in our platform to do away with this program, and as Democrats whether the Democrats are going to live up to a promise that they made to do away with this program.

We have talked about bloc grants during this session and I would suggest to you that this is a bloc tax, a bloc tax which we are levying upon the communities over which they have no control whatsoever.

I have difficulty listening to the prophets of doom and gloom that we cannot fund programs that are necessary like this. I think the time has come for us to do away with this program and do away with it now, and I hope you will join in postponing this amendment.

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

Mr. PORTER: Mr. Speaker and Members of the House: I know as well as anyone knows who is going to pay this bill. We are. You and I are expected to pay ADC. It is just a question of how are we going to pay it. Now I have serious objections to the intangible tax. I see it as a choice, either pay this on the local level on the property tax or pay it partially by the intangible tax. Now I don't like taxes any better than you do, but I would much prefer to pay this on the local level from the property tax rather than in this package.

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

Mr. HENLEY: Mr. Speaker and Lades and Gentlemen of the House: I have to oppose the gentleman from Lincoln, Mr. Porter on this amendment. It is well known that I have stated that we must cut this Part II budget but I am not I don't believe stupid enough to just vote for every cut that comes along. I don't say that is a stupid cut. I say it would be on my own part if I voted for it because I think of all the programs that my people back home, especially the officials involved,



have impressed on me time after time after time is the 18% ADC. They do not object so much if they had any control over that 18%. But they insist time after time that they have no control over it and as the gentleman from Augusta, Mr. Lund has stated, it has been our objective for two sessions now. We failed in the 103rd and consequently I cannot go along with this deduction and I will support the killing of this amendment.

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

Mr. SAHAGIAN: Mr. Speaker, Ladies and Gentlemen of the House: I cannot add on any more than has already been said. Therefore I will not belabor this any longer, but I do want to go on the record of supporting the motion made by the gentlewoman from Bath, Miss Watson, for indefinite postponement of this bill.

The SPEAKER: The pending question is on the motion of the gentlewoman from Bath, Miss Watson that House Amendment "G" be indefinitely postponed. The gentlewoman further moves that when the vote is taken it be taken by the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Bath, Miss Watson that House Amendment "G" be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA—Allen, Baker, Barnes, Bardard, Benson, Bernier, Binnette, Boudreau, Bourgoin, Bragdon, Brennan, Buckley, Bunker, Carrier, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.;

Corson, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Curtis, Cushing, D'Alfonso, Dam, Danton, Drigotas, Dyar, Emery, Erickson, Eustis, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Good, Hanson, Haskell, Hawkens, Henley, Heselton, Immonen, Jalbert, Johnston, Jutras, Keyte, Kilroy, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lund, Marquis, Martin, McKinnon, McTeague, Millett, Mills, More-shead, Morgan, Nadeau, Quimby, Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Sahagian, Scott, C. F.; Sheltra, Snow, Stillings, Susi, Tanguay, Temple, Tyn-dale, Vincent, Watson, Waxman, Wheeler. White, Williams, Wood.

NAY — Berman, Birt, Brown, Carey, Crosby, Cummings, Den-nett, Donaghy, Dudley, Durgin, Evans, Giroux, Hall, Hardy, Har-riman, Hewes, Hichens, Huber, Jameson, Kelleher, Kelley, K. F.; Kelley, R. P.; Lewis, Lincoln, MacPhail, Marstaller, McNally, Meisner, Mosher, Noyes, Page, Payson, Porter, Pratt, Rand, Rich-ardson, G. A.; Scott, G. W.; Shaw, Soulas, Starbird, Thompson, Trask, Wight.

ABSENT — Burnham, Coffey, Curran, Foster, Hunter, Laberge, Mitchell, Norris, Ouellette, San-toro.

Yes, 97; No, 43; Absent, 10.

The SPEAKER: Ninety-seven having voted in the affirmative and forty-three in the negative, the motion does prevail.

The Chair recognizes the gentle-man from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker, my batting average is still higher than usual. I now submit House Amend-ment "J" under filing number H-546.

House Amendment "J" (H-546) was read by the Clerk.

The SPEAKER: The Chair recog-nizes the gentleman from Cum-berland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speak-er, I would inquire of the gentle-man from Lincoln, Mr. Porter, as to how much money this cuts out and which of the programs, spe-cifically for the Arts and Human-ities Commission, does this take out their entire appropriation out

of Part II or does this leave them something?

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

The Chair recognizes that gentleman.

Mr. PORTER: Mr. Speaker, this is the one that I hated to cut because I am in favor of Arts and Humanities, but to answer the gentleman's question it cuts out all of the Part II budget on Arts and Humanities.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I move the indefinite postponement of the amendment and wish to speak to my motion.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin moves the indefinite postponement of House Amendment "J."

The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The Appropriations Committee discussed the Arts and Humanities program to great length and we agreed that some monies should be left in the Part II budget to help the rural areas of this state so that they also along with the cities, the larger cities and towns, would be able to receive some of the benefits of what they get. If you will look at the Part II budget you will find under Arts and Humanities that we would be providing for one personnel which would be for a community program director and for his expenses, whose sole job would be to help to promote Arts and Humanities in the rural sections of Maine.

The Part II also consists of \$10,000 the first year of the biennium and \$20,000 the second year of the biennium for additional money to be allocated to the National Foundation for the Arts and Humanities which would be used to match on a 1 to 1 federal basis monies that are available on the federal level. In effect we are removing only \$51,000 from the Part II budget. We are removing all that is presently provided in the

Part II budget for the Arts and Humanities, which I think would be a very sad mistake because I feel that it is time that the rural areas of Maine get the same treatment as the larger cities of this state can get because of the larger population and their ability to support these types of programs.

And so I hope, I plead with you that you do not remove this amount of money and that you vote for indefinite postponement and, Mr. Speaker, I move that when the vote be taken it be taken by the yeas and nays.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: Here again I find an amendment that I shall support. I have no quarrel with the statement of the gentleman from Eagle Lake that it would be nice for the children in rural communities to have the benefit that this would provide but I cannot at this time see where it is absolutely needed. I would be inclined to regard this at any time as more or less of the frosting on the cake of education and I hope that you vote for this amendment.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I seem to differ from the last speaker. I think rather than being the frosting on the cake, this may possibly be the meat and potatoes of education. I think we have here one of the most successful programs that we have had in the state, success from the point of view that it has stimulated local participation in trying to encourage the cultural opportunities particularly in the rural areas of this state. For many youngsters this has been their first contact with live performances in the arts and theater, and in music, and for thousands of youngsters it is extremely important that at some point they are exposed to live performances that have a significant cultural content.

Barring a program similar to this, large sections of the State of Maine represent basically a cultural desert, and this has been a

very worthwhile and a very significant program to attempt to remedy that situation and for the relatively paltry sum of money involved I think this would be a crime to delete this program.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: Theoretically I agree with the gentleman from Eagle Lake in all his arguments and also with the opponents because before we have the frosting on the cake I think we should have the meat and potatoes. We have towns in the State of Maine where a whole group of towns, the hub of which I happen to think of is Sanford right now, where there isn't even one facility to take care of the physical needs of these children especially during the summer period. The YMCA for instance that could be used by several communities surrounding Sanford, and we couldn't appropriate or help a community such as that to establish a center whereby these young people could be kept busy and given something constructive to do in their time off, and yet we would like to see the finer things of life shared by all in the State of Maine. But I think there are other more important programs that have to be thought of before and for that reason I cannot support the indefinite postponement of this amendment.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I would have no one misunderstand me. I firmly believe that this program may be desirable but that doesn't mean that we absolutely have to have it at this time. I am willing to vote for monies to fund the Part II budget. I am willing to vote for anything within reason, but if we cannot come to an agreement on how we are going to pay for these things, for heaven's sake why talk about them? We have just got to do away with them. There are no two ways about it. You just simply cannot have something that you are unwilling to pay for.

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

Mr. LUND: Mr. Speaker and Members of the House: If this amendment is adopted nobody will starve in the State of Maine. It will simply mean that there will be fewer traveling concerts to provide some glimpse of this type of entertainment to the people throughout the State of Maine. It will mean that there will be fewer opportunities to see the traveling theater which is supported by these programs. There will be fewer opportunities to see the mobile art show which has been generously supported by private industry and other interests throughout the state. It will simply mean that the people of the State of Maine will not get the benefit of the \$2 or \$3 for \$1 which are presently being generated by our State appropriation because we are getting matching federal funds, we are getting matching local funds and private donations.

So nobody will starve. It will simply mean that the State of Maine will be that much less well off from the viewpoint of giving people throughout the state some of the cultural advantages we have enjoyed and ought to continue to provide.

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

Mr. MARSTALLER: Mr. Speaker, a question here. If this item is in the Supplemental budget and I presume there is an additional person in this field and we keep hearing about the present program, how it will disappear if we don't vote for this, I am a little confused on this matter. Can anybody straighten me out?

The SPEAKER: The gentleman from Freeport, Mr. Marstaller poses a question through the Chair to anyone who may answer if they choose.

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

Mr. MARTIN: Mr. Speaker, as I understand the question posed by the gentleman, he is asking in effect what are we doing in Part I for them. In Part I they presently have two persons, one director

and one secretary and we do provide them \$25,000 in matching unallocated monies and so in effect this is in addition to that amount of course.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I commend the courage and the thinking of the gentleman from Kingman Township. In this day of TV and other communications media I don't think our cultural souls will be starved if we don't see in person three or four people in tails playing in a stringed quartet. I am against the indefinite postponement of this amendment.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I have served on the Board of Music in Maine ever since its beginning and I don't really think that this will have any effect on that as that was fully federally funded. As I understand it, this program is quite different and with the one additional personnel actually would bring forth more benefit to these students per dollar than almost any other program that we have talked about on the educational field.

I live on the periphery of a very well run school system in Bangor and I have seen what happens and what can happen to the students that are exposed to some kind of an artistic experience. I also understand that this program would fund a person to go to the rural areas and show the teachers how to make use of materials that don't cost anything, how you can expose the children to an emotional outlet and show them how to make use of things in the kitchen, things that they have anyway, whether it is for painting or sculpting or just making mud pies that are more than just something that looks like a beaten down bird's nest.

And I think that this is something, if the students are given the exposure to these things, that perhaps as the gentleman from Sanford, Mr. Jutras says that the children in his district do not

have the facilities or the personnel to keep them busy in the summertime; perhaps if they were exposed in the winter to some of these self-expressed activities they would not need that kind of help.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin that House Amendment "J" be indefinitely postponed. He further moves that when the vote is taken it be taken by the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin that House Amendment "J" be indefinitely postponed. If you are in favor of House Amendment "J" being indefinitely postponed you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Bedard, Benson, Berman, Birt, Bourgoin, Bragdon, Brennan, Brown, Bunker, Carrier, Casey, Chandler, Corson, Cox, Cummings, Cushing, D'Alfonso, Drigotas, Eustis, Fortier, M.; Fraser, Gilbert, Giroux, Haskell, Heselton, Jalbert, Kilroy, Lebel, Leibowitz, LePage, Levesque, Lund, Marstaller, Martin, McKinnon, Millett, Mills, Morgan, Noyes, Richardson, H. L.; Rocheleau, Sahagian, Scott, C. F.; Snow, Stilings, Susi, Temple, Thompson, Vincent, Watson, Waxman, White, Wood.

NAY — Baker, Barnes, Bernier, Binnette, Buckley, Carey, Carter, Chick, Clark, C. H.; Clark, H. G.; Coffey, Cote, Cottrell, Couture, Crommett, Crosby, Croteau, Curtis, Dam, Danton, Dennett, Donaghy, Dudley, Durgin, Dyar, Emery, Erickson, Evans, Farnham,

Faucher, Finemore, Fortier, A. J.; Gauthier, Good, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Hewes, Hichins, Huber, Immonen, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, Lewin, Lewis, Lincoln, MacPhail, Marquis, McNally, McTeague, Meisner, Mosher, Nadeau, Page, Payson, Porter, Pratt, Quimby, Rand, Ricker, Rideout, Ross, Scott, G. W.; Shaw, Sheltra, Soulas, Starbird, Trask, Tyndale, Wheeler, Wight, Williams.

ABSENT — Boudreau, Burnham, Curran, Fecteau, Foster, Hunter, Laberge, Mitchell, Morehead, Norris, Ouellette, Richardson, G. A.; Santoro, Tanguay.

Yes, 54; No, 82; Absent, 14.

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

Thereupon, House Amendment "J" was adopted.

Mr. Porter of Lincoln then offered House Amendment "L" and moved its adoption.

House Amendment "L" (H-543) was read by the Clerk.

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

Mr. WAXMAN: Mr. Speaker, Ladies and Gentlemen of the House: Throughout this session we have debated the question of scholarship aid for Maine youngsters wishing to go on to higher education. We have already passed favorably upon one bill which would encourage youngsters to go on to four-year post high school education. There has been a continual criticism of the entire thrust of our higher education in the State of Maine in that we put too much emphasis on the four-year colleges and not enough on two-year terminal programs in vocational education.

Perhaps there is definite credence in this argument. I believe that it would be a mistake to cut this particular scholarship program. We are spending hundreds of thousands of dollars on vocational education in the State of Maine now. What good is all that money if we can't make those facilities available to young men

and women who through no fault of their own do not possess the financial means to take advantage of that type of education. If we want our young people to stay in the State we must give them the skills with which they can earn a decent living.

I would hope that you would vote against this amendment and I would move that it be indefinitely postponed. I request a roll call please.

The SPEAKER: The gentleman from Portland, Mr. Waxman moves that House Amendment "L" be indefinitely postponed. He further moves that when the vote is taken it be taken by the yeas and nays.

For the Chair to order a roll call 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 Portland, Mr. Waxman that House Amendment "L" be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA—Allen, Benson, Binnette, Boudreau, Bourgoin, Bragdon, Brennan, Bunker, Carrier, Carter, Casey, Chandler, Coffey, Corson, Crommett, Cushing, D'Alfonso, Donaghy, Drigotas, Eustis, Farnham, Fecteau, Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Good, Hanson, Haskell, Kilroy, Label, LePage, Levesque, Lewin, Lund, Marquis, Martin, McKinnon, Millett, Mills, Morgan, Noyes, Richardson, H. L.; Ross, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Starbird, Susi, Temple, Tyndale, Vincent, Watson, Waxman.

NAY—Baker, Barnes, Bedard, Berman, Bernier, Birt, Brown, Buckley, Carey, Chick, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Couture, Crosby, Croteau, Cum-

mings, Curtis, Dam, Danton, Dennett, Dudley, Durgin, Dyar, Emery, Erickson, Evans, Faucher, Finemore, Fortier, A. J.; Hall, Hardy, Harriman, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Jalbert, Jameison, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, Leibowitz, Lewis, Lincoln, MacPhail, Marsteller, McNally, McTeague, Meisner, Mosher, Nadeau, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Ricker, Rideout, Rocheleau, Sahagian, Soulas, Stillings, Thompson, Trask, Wheeler, White, Wight, Wood.

ABSENT—Burnham, Cox, Curran, Foster, Hunter, Laberge, Mitchell, Moreshead, Norris, Ouellette, Santoro, Tanguay.

Yes, 57; No, 81; Absent, 12.

The SPEAKER: Fifty-seven having voted in the affirmative and eighty-one in the negative the motion does not prevail.

Thereupon, House Amendment "L" was adopted.

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

Mr. PORTER: Mr. Speaker and Members of the House: I reluctantly suggest that we stop it here. I wish I had had time enough last night to have another half a dozen amendments. I am quite certain we could have got some more off this, but we have certainly shown that this is not irreducible. I just wish I had more amendments.

Mr. Henley of Norway then offered House Amendment "M" and moved its adoption.

House Amendment "M" (H-549) was read by the Clerk.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I have gone along with Mr. Porter and I think he has done an excellent job, but this is total irresponsibility. Mr. Henley's motives are probably of the finest but I think his judgment is poor. There is a place to cut this budget and I am sure we found some of them, but this is not it. Now if he wants to be somewhere near reasonable and

offer some particular areas where this can be cut, all right. But when you cut "Total — All Appropriations" this is the height of irresponsibility and I move that this amendment be indefinitely postponed.

Mr. Marquis of Lewiston requested a roll call.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I rise to defend the amendment. I say that there is no way that we can cut an individual program or a part of the program. As has been stated by the Appropriations Committee House chairman, this is a package deal, this University of Maine money of \$6,700,000. I contend that the University of Maine got a huge hunk of money in the basic budget. They asked for a tremendous amount, it was cut some, but they still got a lot of money.

Where do we draw the line? Just because I happened to step on someone's toes who happened to be a graduate of the University of Maine, why I don't know as that makes this cut particularly ridiculous. I do not have the good fortune to have an alma mater, but I am not entirely anti-education. I have relatives, I have people that got education in spite of scholarships and in spite of other things.

I think that our college will continue to run and our University will continue to go, if they do not get this \$6.7 million. I really did not expect this to go through. We were asked to propose amendments and I proposed one. I am in approval of these amendments, which have already been approved, but I still feel that our budget, even excepting all those deductions, is still far high. I would like to see a Part II budget of under \$25 million, and how are you going to do it with taking of 50,000 here and there?

Now I realize, as I was told this noon by a member of the unmentionable body, that I had no chance whatsoever — he didn't put it in quite those nice words, of deleting this entire amount from the University of Maine secondary request; and I agreed with him. Nevertheless, I am standing here proposing

that it be deleted from that budget, and there has been a roll call requested, and I am not a bit afraid to vote that this amendment be accepted.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I have been pleading for some weeks that those who had amendments to offer them, and I am satisfied with the motives of the gentleman from Norway, Mr. Henley, who has offered this amendment for our consideration. I believe that he has the right, indeed a responsibility, to bring to us proposed changes in the Part II budget on which we have spent so much time.

Now it is true I am an alumnus of the University. I am very proud of that fact. And while we are all standing around talking about having to work our way through school and all the rest of it, having done that myself I know that it doesn't detract any from one's educational experience. If you accept this program, this proposed amendment—you have already cut \$300,000 out of the University, you will serve notice that the Legislature just won't face the problems of higher education. You will take a meat axe to its budget; you will have responded to what I think is an anti-academic appeal and you will have done the University of Maine at Orono and the other campuses, particularly at Orono, irreparable harm which you can never justify.

Now I accept the judgment of the House. You have cut \$300,000 out of this. But who in good conscience can accept this sort of an amendment? Which of you can say that there is any responsible basis for this kind of action? You are either going to have public higher education in this state or you are not, and to cut this entire amount out—which is now reduced to six million four by reason of your previous action, you have taken an action which I think will be a blot on this Legislature's record, which would set public education in this state back — and we have already done so much damage to the University of Maine that I am very reluctant to face those who say —

where were you when the vote was taken?

Now you have done your thing, as the hippies say. You have cut the University of Maine \$300,000 on a Part II budget that is already, in my judgment, too low. To simply blanket out all progress for the University is I think, as Mr. Rideout says, the height of irresponsibility.

You are not answering the question when you say, that "Oh well, we have Bates, Bowdoin and Colby." We have a school up in Orono now with more campuses than in my day. We have a school in Orono where the young people of this state, if they want to try, if they want to get an education, can do it. If you vote against indefinite postponement, in my judgment — and I mean this, I am absolutely dead serious about it, you are going to shut the door to hundreds and hundreds of Maine students who deserve a lot better treatment than this.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Chandler.

Mr. CHANDLER: Mr. Speaker and Ladies and Gentlemen of the House: I would merely quote to you the words of one of the most profound individuals it has been my pleasure to know and to serve with, Trustee of the University of Maine, Robert Haskell. In considering a few months back the proposal to repeal the Super University system Mr. Haskell said, "You have seen fit to establish this system, now please give us the money with which to run it." I don't really think we are beginning to give Mr. Haskell or the Board of Trustees or the youth of this state the money to run the Super University system, but for heaven's sake, let's not go the other way either. Please, I beg of you in the name of common sense defeat this amendment.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I am certain that the gentleman from Norway, Mr. Henley, did not offer this amendment frivolously and that he of course thought out most of the ramifications. So I would ask, even though

I appreciate that they get sort of a blank check, how many students would he estimate that this would eliminate from going to the University of Maine?

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I rise not as a University of Maine man but as a Colby man, and the only time in my career that I wanted to see the University butchered was when the Majority Leader was playing football for the University of Maine.

I think it is time we stood up here and gave a vote of confidence to our State University and I would hope that every man and woman in this House would vote against this unreasonable and drastic cut.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I was in total agreement with Mr. Porter's cut, from Lincoln, but I am a University man, my wife graduated from the University, my son is a junior there and I have probably spent more years on the University campus than most people in this House, a total of ten, and I think this would be total chaos for the University to go all the way, so I am totally opposed to this amendment.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I could wish that Mr. Porter's amendment might have gone a little bit further, but I am completely convinced that we cannot go all the way with the University of Maine's budget. Perhaps this is surprising to some of you who felt that I was totally and wholeheartedly opposed to the University of Maine but I, like Mr. Farnham, am a graduate of Colby and the only time I did want to see the University clobbered was when we were playing them in football.

I think that we are in a bind of our own making with a quick special session decision to create a

Super University but now that we have it, as Mr. Chandler has said, we must support it. I will have to vote against the amendment.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: As I said on one of the earlier amendments, each amendment shall have to be judged on its own merits. We have already given the University a sizeable cut and I have to agree with my friends Mr. Farnham and Mr. Richardson that this amendment carries things a little bit too far.

We have to pare this budget down, I believe, to the point where we can find tax funds that we are all agreed upon to pay for what is left, but I don't think that the area that Mr. Henley's amendment—I don't think that we should cut any more in the area that Mr. Henley's amendment does. I hope you will go along with me to help defeat it.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I am not a graduate of the University of Maine, but I am a neighbor of that. I live very close to it and this is once on a very rare occasion that I have agreed with the Majority Leader, I think, and he expressed it very nicely when he says that is too drastic a cut, and I certainly will go against Mr. Henley.

The SPEAKER: The pending question is on the motion of the gentleman from Manchester, Mr. Rideout, that House Amendment "M" 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.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Just another word, in case that everyone feels that this is an impulse of the moment. I checked with four of my contemporaries in my area who are graduates of the Univer-



sity of Maine, and all four of them have students there now and without exception they urged me, and they urge the Legislature to cut down the University's sum when I told them the amount of our second Part II budget. They said they felt if they had a pretty good hunk of money, they knew what was given to them and they can budget. So I am not entirely on my own in proposing this amendment. I realize that, as I have said before, that it was a futile cause, but nevertheless it certainly was not an impulse of the moment.

The SPEAKER: All in favor of the vote being 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 vote was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Manchester, Mr. Rideout, that House Amendment "M" be indefinitely postponed. If you are in favor of the motion 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, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Buckley, Bunker, Carey, Carrier, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cottrell, Couture, Crommett, Croteau, Cummings, Curtis, Cushing, D'Alfonso, Dam, Danton, Dennett, Donaghy, Drigotas, Dyar, Erickson, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gilbert, Giroux, Good, Hanson, Hardy, Harriman, Haskell, Hawkens, Heselton, Hewes, Hichens, Immonen, Jalbert, Johnston, Jutras, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lund, MacPhail, Marquis, Marstaller, Martin, McKinnon, McTeague Meisner, Millett, Mills, Moreshead, Morgan, Mosher, Nadeau, Noyes, Page, Porter, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout,

Rocheleau, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Starbird, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Williams, Wood.

NAY — Crosby, Dudley, Durgin, Emery, Eustis, Evans, Hall, Henley, Huber, Jameson, Kelleher, Kelley, K. F.; Lincoln, McNally, Payson, Ross.

ABSENT — Birt, Burnham, Cote, Cox, Curran, Foster, Gauthier, Hunter, Laberge, Mitchell, Norris, Ouellette, Pratt, Santoro, Soulas, Tanguay, Wight.

Yes, 117; No, 16; Absent, 17.

The SPEAKER: One hundred and seventeen having voted in the affirmative and sixteen having voted in the negative, the motion does prevail.

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

Mr. DYAR: Mr. Speaker, I move we reconsider our action of yesterday whereby House Amendment "E" under filing number H-533 was indefinitely postponed.

The SPEAKER: The gentleman from Strong, Mr. Dyar, moves that the House reconsider its action of yesterday whereby House Amendment "E" was indefinitely postponed, and the filing number is H-533.

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

Mr. MARTIN: Mr. Speaker, a parliamentary inquiry. Do the rules have to be suspended?

The SPEAKER: It was of yesterday. Reconsideration is in order which requires a majority vote.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: This amendment was defeated yesterday. I don't remember the exact vote, but it seems it was 80 to 40. This is the one that was offered by the gentleman from Lewiston, Mr. Jalbert dealing with the cuts at Baxter State, the same cuts that we have already adopted of course in the Vocational Technical Institute program, the cuts in financing administration in the Department of Health and Welfare, Labor and Industry, Mental Health and Correction, the Community Mental Health program, etcetera and I

would certainly hope that we would not reconsider and that our vote would remain the same as yesterday, and when the vote is taken I request it be taken by the yeas and nays.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I had made a mental bet with myself to stay nailed in my seat this afternoon, but when I listened to the gentleman from Eagle Lake who is so shaky about it that he had to lean back on a two thirds, on a big dealing that we might need two thirds on this thing, I resented that so much that I felt it was time for me to get up.

This is the same amendment that we defeated yesterday. Ever since I have been here, we have defeated yesterday, something yesterday and we have passed it today—ever since I have been here we have passed something today and defeated it yesterday.

This cuts out harmlessly—now I voted against a vast majority of the cuts as submitted by Mr. Porter. What the gentleman from Eagle Lake forgets to tell you about these amendments here, and I am going to go through some of them again, is that this merely cuts down, for instance, from 17 help to 15 help in the Water Improvement Commission. Now for heavens sake, isn't that a fair shuffle when we go from 17 to 15?

It cuts down help that was, as stated, from 4 to 2 in the Public Utilities Commission, and it was stated that for years we had by-passed them. It cuts down without harming any programs at all some help 9 the Correctional Institution at South Windham and at the State's Prison. It cuts out some Personnel money. Now today I talked to you loud and long about the Personnel Department. Certainly if you vote to eliminate the Board, certainly I would think it would be harmless to vote against \$10,000 on each year there. It cuts out only \$10,000 each year on the Community Health Services. I think, in my opinion, this is a real good amendment. I thought so yesterday and the reason that it was

put in is I had at least ten people during the debates of all these amendments who came to me and said, "How about putting in your amendment?" I couldn't put in my amendment because I was not on the prevailing side. But I am putting it in today because I think it is a sound amendment. I am one of those that is convinced, even though I was on the Appropriations Committee, and I think I was on the Appropriations Committee and I still am in good standing. I feel that I am not breaking faith at all. I think right now I am one of those who was stupid enough to feel that that this budget is going to be cut down, and for that purpose I wholeheartedly support the action of the gentleman from Strong, Mr. Dyar.

I would tell, Mr. Speaker, that as far as I am concerned if the gentleman from Eagle Lake, Mr. Martin, had not asked for a roll call, it would have been my pleasure to ask one myself.

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

Mr. TYNDALE: Mr. Speaker, I would like to pose a question to my very good friend, Mr. Jalbert, from Lewiston, there is one section of this amendment that bothers me a little and perhaps he can clarify my thinking on it, and that is the one with "further amend said bill in Section 'A' under the caption of Sea and Shore Fisheries." I discussed this at some length this afternoon prior to coming in the House with Ronald Green and he said that this would seriously affect his research program. And I was wondering if Mr. Jalbert had also discussed it with Commissioner Green.

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

Mr. JALBERT: Mr. Speaker, I would say that I don't think there is anybody here who has any more respect than I have for the Commissioner of Sea and Shore Fisheries, Mr. Green. I have so much respect for him, as a matter of fact, that I am the one that carried a message to and from and from and to when he was appointed to his present post. However, with

due deference to him, I would say that when I cut in this amendment \$3,000 from \$62,982 to \$59,000 and from 56 to 52,000 I don't think he is going to be starving to death.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I really had no intentions of getting the gentleman from Lewiston, Mr. Jalbert, upset at me. I thought probably that if I could pull one of his parliamentary maneuvers that I could perhaps succeed without debating and that was the only reason why I asked as to whether or not the two thirds vote was required.

I would point out, however, that when we were debating the amendment yesterday we did go into great detail, the gentleman from Augusta, Mr. Lund and the gentleman from Southwest Harbor, Mr. Benson, and many others on the committee, went into detail to explain each particular section. And very briefly, I do want to tell you that I feel that some of the personnel that are removed I feel should not be removed. However, of course, if it is the wish of the majority of the people of the House that they should be, then obviously the motion to reconsider should prevail.

I would point out that when we do this we are talking of removing people in the Department of Health and Welfare dealing with sanitary engineering, we are removing some people in Air and Water Improvement Commission. There is no question that even with his amendment that we are moving forward, but it is a reduction of that number which we had allocated and which we felt was necessary to do an adequate job in the field of water pollution. Also I do feel and I have been told that the monies in the Sea and Shore Fisheries would hurt the research programs there. I also feel that the personnel that we were giving to the PUC are important in the field of trying to regulate utilities in providing a Director of Rates and Research, a Director of Utility Services, a utility engineer and a utility accountant.

I do feel that the Park and Recreation Commission is in great need of money to take care of the added people that are going to the State parks, and I do feel that the Department of Mental Health and Correction need the additional personnel at the State institutions, in particular at Thomaston, where the number of people there are the lesser number, and the amount of money that would be removed from the Community Mental Health Services would in my opinion hinder the program and its progress. And there are many other areas which have been discussed yesterday.

I am not going to spend time and bore you with the details and the facts. But I do feel that the members of the Appropriations Committee felt that at the time that we heard the bill that these should be included, and I as an individual do not feel that I should backtrack from that position.

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

Mr. DYAR: Mr. Speaker and Members of the House: I voted against this amendment "E" yesterday. At that time I felt that we were faced with a \$42 million budget and was going to have the choice of just yes or no in voting on it. Since then I have seen that people have had the backbone to oppose this \$42 million measure and I at this time feel that I should go along with this House Amendment "E" and I would hope that the rest of you will follow suit.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I support this amendment in its entirety. I only think that the cut is too small. If you will take note please that there is very little cut from each one, they are very minor and in my opinion should be much greater. However, I will support this. It is all that is before us. And I think he was very lenient and he understands what he is doing. He is on Appropriations and in most cases it is only two personnel that is taken away.

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

Mr. CAREY: Mr. Speaker and Members of the House: When the gentleman from Eagle Lake says that he is trying to outmaneuver Mr. Jalbert, I would say that he is going to have to get up a little earlier in the morning. Secondly, when he mentions cutting Air and Water Improvement Commission, I would suggest to him that he is talking like a school board member — every time you cut a nickel out you are cutting their budget. They don't tell you how much extra money they are giving them. And in this case we are giving them over \$200,000 and I would say we are not cutting them, we are giving them \$200,000.

The SPEAKER: The pending question is the motion of the gentleman from Strong, Mr. Dyar, that the House reconsider its action of yesterday whereby this amendment was indefinitely postponed. The yeas and nays have been requested.

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

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

The SPEAKER: The pending question is to reconsider whereby House Amendment "E" was indefinitely postponed as of yesterday. If you are in favor of reconsidering you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Barnes, Bedard, Berman, Bernier, Binnette, Birt, Boudreau, Brown, Buckley, Bunker, Carey, Carrier, Carter, Casey, Chick, Clark, C. H.; Clark, H. G.; Cote, Couture, Crommett, Crosby, Croteau, Curtis, D'Alfonso, Dam, Danton, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fraser, Giroux, Hall, Hanson, Hardy,

Harriman, Hawken, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Jalbert, Jameson, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Leibowitz, LePage, Lewin, Lewis, Lincoln, MacPhail, Marquis, Marsteller, McKinnon, McNally, McTeague, Meisner, Millett, Mills, Moreshead, Morgan, Mosher, Nadeau, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Ricker, Rocheleau, Ross, Sahagian, Shaw, Sheltra, Snow, Soulas, Starbird, Susi, Temple, Thompson, Trask, Tyndale, Wheeler, Wight, Williams.

NAY — Baker, Benson, Bourgoin, Bragdon, Brennan, Chandler, Coffey, Corson, Cottrell, Cummings, Cushing, Fortier, M.; Gilbert, Good, Haskell, Johnston, Levesque, Lund, Martin, Richardson, H. L.; Rideout, Scott, C. F.; Scott, G. W.; Stillings, Vincent, Watson, Waxman, White, Wood.

ABSENT — Burnham, Cox, Curran, Foster, Gauthier, Hunter, Laberge, Mitchell, Norris, Ouellette, Santoro, Tanguay.

Yes, 109; No, 29; Absent, 12.

The SPEAKER: One hundred nine having voted in the affirmative and twenty-nine in the negative, the motion to reconsider does prevail.

The pending question is: Shall this amendment 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.

A vote of the House was taken.

27 having voted in the affirmative and 104 in the negative, the motion did not prevail.

Thereupon, House Amendment "E" was adopted.

Mr. Jalbert of Lewiston was granted unanimous consent to briefly address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: My apologies to the gentleman from Eagle Lake, Mr. Martin.

The SPEAKER: The pending question is the engrossment of this Bill as amended.

Thereupon, Mr. Richardson of Cumberland offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-542) was read by the Clerk.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: You who have been provided with a handy dandy scorecard will have arrived at somewhat the following figures: as the result of adopting the amendments proposed by the gentleman from Lincoln, Mr. Porter, you effected a total reduction of \$421,000.

As the result of adopting the amendment proposed by the gentleman from Lewiston, Mr. Jalbert, which amendment duplicates some of the amendments you have already acted upon earlier, you have effected, I am going to guess, something in the area of an additional \$500,000. You have effected a two per cent, roughly, a 2 per cent reduction in the total amount of this budget. It is about one half of the amount of the size of the reduction that the Republican and Democratic leadership offered to you by virtue of alignments — realignments in the program which we presented to you.

And I note with great interest that there has been no amendment offered to cut out the first year of the school subsidy, \$4.9 million. I note with great interest that there has been no amendment offered to cut out the additional funds of the second year of the school subsidy of approximately \$7½ million. I note that you have rejected the proposal to remove the State's assumption of municipal contribution to the ADC Program. And I am not chiding you. I am simply indicating to you that all along that we have felt that this budget is susceptible of amendments and changes and I will abide by your judgment.

Now we come back to the big question: How can this program be funded? As one of those who is quite inclined to discard to great extent the statements that are made by union negotiators in the course of attempting to secure increased benefits, including wages, hours and working conditions, I can tell you that I really believe that unless we grant the

seven to nine million dollar increase proposed by the leadership to State employees, we are in for trouble. I believe that unless we provide the so-called combat pay to those who have direct contact with the inmates of our correctional institutions and our patients in our mental hospitals, unless we take all these other steps which make up the great majority of this program, unless we take these actions, we are going to be confronted with a real disaster in Maine Government.

Now you have accomplished a cut. I accept your judgment. But you have only reduced the total amount of the budget by the amount I have indicated. The Republican and Democratic leadership met over a series of several days trying to find a way out of this problem and I agreed to support the program that was brought before you and which you did not accept yesterday. So the question now is the immovable force or the immovable object confronted by the irresistible impulse. If we do not take action to fund this budget, we will have very very certainly invited a strike, invited a loss of substantial amounts of federal monies, invited a setback in what little progress we have been able to obtain here in Maine in a great many areas.

The Republican and Democratic leadership are going to meet with Governor Curtis at nine o'clock tomorrow morning. I hope that we can point out that the package which we offered yesterday was apparently unacceptable to the great or to the large majority of you.

So now the question is, where do we go. I suggest — and there is no secret about this, I am going back to the program that I originally favored. At the time that it was first brought out it was rejected by the House. I still favor it. I still don't think that it is anything other than a very tiny bit of political mileage to be gained by opposing a tax such as the one we propose here. I think it is only a question of timing. We have proposed in this amendment a two per cent corporate income tax. Now just so there won't be any

question about it, I think it is high time the corporations in the State of Maine picked up a little bit of the freight.

We have heard so much about the wild lands tax and what a terrible imposition it would be on the great paper companies to pay any more money on a wildlands tax. I submit to you that is patent nonsense. I support a corporate income tax because I believe that since a half or more is going to be credited against the federal income tax return we are not imposing any great hardship.

I believe that the way to tax those people who are using Maine labor, and Maine resources are making a profit, is to propose a corporate income tax and I further believe that we should increase the sales tax to six per cent.

Now this is an old bull story and I have almost memorized the speeches in opposition to this or the speeches that will be made. We confront a horrible problem if we don't fund this Part II program. We again as a party, the overwhelming majority of our party, believe that the time is really here to quit fooling around and get down to business.

You have cut the budget but you aren't anywhere near a cut that could be funded with one cent. I believe that the corporate income tax is a reasonable balance to this program. I think it does something to meet the ideological objections of those who say they are against any further increase in the sales tax. It is for this reason that I offer this. I ask you to adopt it — at least at this stage. The program can be geared down, it can be cut back in various areas to comply with the budget cuts that you have made. I know of no unequivocal indication from the Governor that he would veto this. I would remind you that in his budget message he touched on a number of funding alternatives that we might adopt and one of the things I believe he mentioned in the message was the six per cent sales tax.

None of us are happy. None of us think that this program does all what we want it to do. But we are fast approaching the time,

on June 17, when there is very little time left for us to maneuver in.

I ask for a roll call, Mr. Speaker, when the vote is taken.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, offers House Amendment "F" and moves its adoption. He further moves that when the vote is taken it be taken by the yeas and nays.

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 reasonably brief this afternoon. As the gentleman from Cumberland, Mr. Richardson, has pretty well covered the sentiment of the members of the House, I think now that the circus has come to its grand finale. We come with the amount of money that is going to pay for the cuts which the members of this House feel that is necessary for the continuation of State Government. The effective cut of a million or a million point one that was made this afternoon is not going to stop the State Government from operation. The only thing is, what is it going to do and in what area?

When you blankly point out that you are going to reduce the budget by \$300,000 or four or five or six hundred dollars without indicating where you want the budget cut, you can very well imagine that the bureaucrats are not going to cut it where you want it to be cut. They are going to cut it to their advantage. This part I don't necessarily appreciate or like and that is one of the reasons that I voted against all of the amendments that were offered this afternoon. I thought the package that was agreed upon was reasonable and very sound. Now we come to the philosophy of how do we pay for the package that you have indicated you would like to buy for the next two years. And this comes in the form of a 2 per cent corporate income tax as offered by House Amendment "F" and a 6 per cent sales tax.

In the discussion on the Floor of the House, the members of the Legislature wanted to protect the

poor helpless widow that had at least over \$100,000 in stocks or bonds — we must not touch her — because this is going to very strongly affect her well-being in the State of Maine. But instead of that this poor widow that has only got a \$100,000 in stock and bonds for paying a tax on intangibles — that is not too bad.

We will go back and ask that a 6 percent sales tax or an increased sales tax of 1 per cent be imposed on the poor widow who is getting \$34 a month in social security or maybe the not so poor widow that is getting up to \$60 a month in social security — that is not too bad. She is not here to defend herself and she has no secretaries to correspond to the members of the House or the Senate or the Legislature. She does not contribute four or five thousand dollars per year to the Democratic Party or to the Republican Party, because she cannot afford it. And now the widow with \$100,000 goes untouched, unscratched, because she has been able to maneuver within the political parties of our State and effectively indicate that I am not to be touched because I have got stocks and bonds and this will affect me.

But the poor widow that is making, after all these years is able to retire with a meager sum to live with and pay her rent, we are forgetting about her, and we impose an additional cent on the sales tax. The people that have stashed away a few dollars all their lives to the time that they were able to retire on a measly retirement income, we tell these people "You were not here in Augusta to defend yourself, so now the burden is on you. Not only shall we increase your property tax — because we have increased all the county budgets throughout the State, and where does that money come from? All the increased money in the county budget reverts back to the property tax and the same person that you are adding another cent on the sales tax, that they can not shy away from; this is all right. We can increase the property tax to these people. We can increase the sales tax to these people. And they are not here to be heard, so we will go home and

forget about it. Well, I don't think we should forget about it.

Since January 1 of this year one of the great song and dances that I have heard from the beginning of this session of the Legislature, we must try to help the local property tax in their dilemma. And now on June 17 of the same year, we not only tell these people that we can no longer help you in your dilemma but we are going to increase the burden, and you don't have the monies to defend yourself in your State capital, so what are you going to do about it? May I give you the answer? They are going to probably take it and not like it.

I am not going to make a motion to indefinitely postpone this bill because I think that probably some of the members of the House feel that as a Democrat maybe I should, but then again I have some reservations in this day and age whether I am a Democrat or not or as to whether I should make a motion at all.

There seems to be members in this House that it is okay for the State of Maine to go ahead and build bridges even though they may be only a few or four or five miles apart, but then where do you get the money? You don't get it from these people that have got money or ability to pay the money, but you go back and say we will raise it out of your property tax the same as we have done for the last fifty years. We will go back and increase the sales tax. I don't think this is responsible legislation.

Before we go home at the end of this session of the Legislature, I sincerely hope that some members of the Republican Party and again some members of the Democratic Party will somehow or other come to their fairer senses if that is to be found. The gentleman from Cumberland, Mr. Richardson has indicated a few moments ago that he does not know whether the Chief Executive will send us a little message on this document. Well let me reassure you, ladies and gentlemen that I don't know what the Chief Executive is thinking at this stage of the game. But I would not be surprised — and I am going to say this although the reservation

is going to be all his — that we may not be able to get a little message from the Governor pertaining to this particular document, but we may get a little verbal message from the rostrum if this is the feeling of the Legislature of using this kind of taxes to pay for this kind of money that we have been talking against since the early part of January trying to protect the local taxpayer, the people that are on pensions, the people that are on social security, and we turn around and do exactly the opposite as to what we have been talking. If this is responsible, then I fail to see, as a member of this House, where the responsibility is at.

So therefore ladies and gentlemen of the House, I stand completely opposed to this form of taxation as I was when they billed the six per cent tax measure was before us and I hope that the members of the House feel somewhat the way I do in using this form of taxation to further strangle the overall majority of the people of our State. Thank you.

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

Mr. D'ALFONSO: Mr. Speaker and Ladies and Gentlemen of the House: The recommendations and suggestions thus far — and I think you will all agree with me — have been to some extent somewhat promiscuous. We have accepted and rejected so much thus far that I am perhaps more confused than the rest of you. But I am certainly convinced of one fact and that is the premise that we cannot go home unless we pass a supplemental budget.

I had some misgivings about the school lunch program having been rejected. I am willing to swallow that. I would not want to see others within the State Government, the people within the state, denied that which they rightfully deserve. I am not entirely in favor of increasing the sales tax. I maintain that it is, as has been stated, a regressive tax. I am more in favor of the program that would constitute as a tax package a 5 per cent personal income tax, a 5 per cent corporate tax along with the

existing 5 per cent sales tax and possibly acceptance of the 2 per cent intangibles tax.

But my emphatic point is this: when all is said and done we cannot go home unless we pass a supplemental budget and if need be in the final analysis I would vote for a 6 per cent sales tax and a 2 per cent corporate tax simply because I believe without reservation that we owe a responsibility to those who have been denied. But I have a little article here which I wish to quote from and in so doing to somewhat paraphrase, which I think points up the dilemma of the Legislature and at the same time is very pertinent to the fact that we must do something and not go home leaving with the people of this state a very bad image of our Legislature.

To quote from this article:

'State of Maine  
Office of the Governor  
Augusta

To the Honorable Senate and House of Representatives. . ."

I will leave the rest of that until I have finished quoting.

"Several bills have been introduced during the present session of the legislature to change our tax laws. These bills have drawn attention to the unsatisfactory status of the laws now governing this subject. Chapter ten, section six, of the revised statutes, as amended, gives in detail the several classes of property," (and I use the word property in its broadest sense) "that are relieved by law from bearing their proper share of the tax burden.

"Fundamentally all the property within the state equally should pay taxes and no class of property should be allowed to reap an unfair advantage through tax exemption. From time to time legislatures have extended the tax exemption privilege until at present, in the sections of the statutes above referred to, there are thirteen separate paragraphs in which are enumerated more than forty different classes of property that are tax free by law.

"A study of our tax exemption laws indicates that they are not



based upon any fundamental principle but are the result of slow and unregulated growth where each new exemption was added to relieve some special class of property from taxation. Today these laws are ill balanced and unfair. Without doubt abuses have crept into their administration so that property of great value that should be taxed is now relieved from this burden. These laws need to be revised by unbiased men with a state-wide vision.

"It is very plain that whatever property is made tax exempt, the tax burdens of the property that is not so favored is proportionately increased.

"These exemptions need revision and some underlying principle should be discovered on which tax exemption should rest. It may be that some exemptions should be done away with altogether. Perhaps some limit should be placed upon the amount of property exempted in certain of the classes referred to. A regrouping also may be desirable. This matter should be looked into by broad minded men, uninfluenced by political ambitions or selfish motives.

"I have thought" (now I think this paragraph is a very important one as to what would happen I think if we were to go home and not do anything) "I have thought of advocating the appointment of a recess committee of the legislature, as has been suggested by the legislative committee to which you referred the report of the board of state assessors. My experience, however, with the work of such committees is not altogether encouraging, for although in the past they have devoted a great deal of time to the study of the subjects placed in their charge, legislatures seldom have adopted any of their suggestions. Nor do I advocate the appointment of any kind of a permanent board or commission."

Now to get back to the message, "State of Maine, Office of the Governor, Augusta, March 15th, 1923," a message from the Honorable Percival P. Baxter, Governor of Maine, as to Maine's tax exemption law, 1923.

My only plea is that in the final analysis I hope for my own benefit that we would adopt a tax based on the ability to pay but ultimately I would vote for the 6 percent sales tax and the 2 per cent corporate tax so as to know for myself that I have been responsive to the needs of those in this State who need a lot more than I could give them if I was to go home and do nothing.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I personally feel that the package offered yesterday to fund the Part II budget by the 6 per cent corporate tax and the tax on intangibles and the beer tax is the package that could be passed by this House by a majority vote by deleting the emergency preamble. Now I appreciate that this was done as a possibility of a referendum being initiated to defeat that package. I do not think however that this is a substantial threat and even so if it were turned down by the people, I say so be it.

I firmly believe that that is the package that will come closest to meeting our needs and the package that can be passed. Consequently I urge the House to vote against the amendment offered by the Majority Leader for a 6 per cent sales tax and hope that this amendment will be offered tomorrow or at a later date to delete the emergency preamble on yesterday's package.

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

Mr. McTEAGUE: Mr. Speaker, I would guess that for more years than I have lived the sales tax has been characterized as a regressive tax. We got some figures yesterday concerning what the cost of an increased sales tax at various levels would be. So today I get a hold of Prentice-Hall Master Tax Guide just to see for myself what the word "regressive" meant in regard to the sales tax. I would like to give the House two examples.

A man and wife with three children to support with an income of \$6,000 per year would pay the

same under the sales tax as a single man with an income of \$9,000 a year. Second example, a man and wife with three children to support and an income of \$6,000 pay about one half of the amount of tax which is paid by a bachelor who makes approximately \$36,000 per year. I for one wish that we never had had a sales tax because I think it is grossly unfair. Much the same may also be said about the real estate tax but we have both of them and they are deeply engrained, but I think in regard to both and particularly the sales tax, we have had enough injustice.

And number two, if we have that single man making about \$36,000 and particularly if he is a man whose income comes in the main from stocks and bonds and perhaps inherited wealth, that we tax him only twice as much under the sales tax as we do the man, wife and three children, making \$6,000 a year, I think we have gone haywire and that we have done something that is not very just.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: I think that this House is a very responsible body and will in due time find a solution to fund the Part II budget and my only conclusion after hearing this debate today is that I believe that my initial proposition some time ago that we can't see the forest for the trees at this time and it would not be the worst thing in the world to adjourn and come back, and as Representative D'Alfonso said, considering the points made, the recommendations made back in 1923 by Governor Baxter, if someone studied these things we could find some ways and means to support a meaningful Part II budget at a later date.

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

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

The SPEAKER: The pending question is the adoption of House Amendment "F". If you are in favor of the adoption of House Amendment "F" 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, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Curtis, Cushing, D'Alfonso, Dennett, Donaghy, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Gilbert, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, LePage, Lewin, Lewis, Lund, MacPhail, Marstaller, McNally, Meisner, Millett, Moreshead, Mosher, Noyes, Page, Payson, Porter, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Williams, Wood, the Speaker.

NAY — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Carey, Carrier, Carter, Casey, Chandler, Coffey, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Dam, Danton, Drigotas, Dudley, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Harriman, Jalbert, Jameson, Jutras, Kelleher, Keyte, Kilroy, Lawry, Lebel, Leibowitz, Levesque, Lincoln, Marquis, Martin, McKinnon, McTeague, Mills, Morgan, Nadeau, Pratt, Ricker, Rocheleau, Sahagian, Sheltra, Soulas, Starbird, Temple, Vincent, Watson, Waxman, Wheeler.

ABSENT — Burnham, Curran, Foster, Henley, Hunter, Laberge, Mitchell, Norris, Ouellette, Rand, Santoro, Tanguay.

Yes, 77; No, 62; Absent, 12.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-two having voted in the negative, House Amendment "F" is adopted.

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

Mr. COTE: Mr. Speaker, I now move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, now moves the indefinite postponement. The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, I hope there will be no debate, I just ask for a division.

Mr. Cote of Lewiston then requested a roll call vote.

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

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I shall vote — I want to put myself on record and not debate, — but I shall vote to indefinitely postpone merely because I don't like to vote for the sales tax at this time. I am not voting against the whole package.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote, that L. D. 1483 as amended be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Bedard, Bernier, Binnette, Boudreau, Carey, Carter, Casey, Coffey, Cote, Cottrell, Couture, Crommett, D'Alfonso, Dam, Dudley, Emery, Fortier, A. J.; Gauthier, Gilbert, Giroux, Harriman, Jalbert, Jameson, Jutras, Kelleher, Keyte, Kilroy, LePage, Lincoln, Marquis, McKinnon, Mills, Morgan, Nadeau, Noyes, Rand, Richardson, G. A.;

Ricker, Rocheleau, Sheltra, Starbird, Temple, Vincent, Waxman.

NAY — Allen, Baker, Barnes, Benson, Berman, Birt, Bourgoin, Bragdon, Brennan, Brown, Buckley, Bunker, Carrier, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cox, Crosby, Croteau, Cummings, Curtis, Cushing, Danton, Dennett, Donaghy, Drigotas, Durgin, Dyar, Erickson, Eustis, Evans, Farnham, Faucher, Finemore, Fortier, M.; Fraser, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lawry, Lebel, Lee, Leibowitz, Levesque, Lewin, Lewis, Lund, MacPhail, Marstaller, Martin, McNally, McTeague, Meisner, Millett, Moreshead, Mosher, Page, Payson, Porter, Pratt, Quimby, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, Watson, Wheeler, White, Wight, Williams, Wood.

ABSENT — Burnham, Curran, Fecteau, Foster, Henley, Hunter, Laberge, Mitchell, Norris, Ouellette, Santoro, Tangay.

Yes, 44; No, 94; Absent, 12.

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

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

Mr. COTE: I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Lewiston, Mr. Cote — the pending question is passage to be engrossed and the gentleman may debate the bill.

Mr. COTE: Mr. Speaker, I just want to serve notice that there is no question in my mind but this will be brought to an initiative referendum.

The SPEAKER: The pending question is passage to be engrossed as amended by Senate Amendment "C" as amended by House Amendment "A" thereto and House "E", "F", "H", "J", "K" and "L".

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

Mr. JALBERT: Mr. Speaker and Members of the House: The reason that I at this time feel that probably we would not engross this bill, but it would be tabled again, is because of more than one reason. I think frankly — and I want to commend the leadership of both parties, and I mean it, I heard words of wisdom from the left and the right side this afternoon. However, I know that both men and the membership here are practical enough to know that we could never reach one hundred and one for a sales tax nor a personal income tax. I do know, however, from the vote of the motion as just made now to indefinitely postpone the whole package that this House is in the mood not to go home without facing up to their responsibility, and I am very happy and proud of that fact. Also the fact that the House did pass several amendments that will not prove to be harmful, which means that in that they want to pass a Part II Budget, they want to cut it down. My own self, I know that this budget can be cut in several more areas and I feel that possibly we should keep this bill from engrossment until such time as we can cut a little more. I feel that after this would be held for maybe a day or maybe two days, I feel then that the leadership of both parties would have had their thing, to so speak, on the present package and possibly a n o t h e r package that would come along and would fail to have a majority vote, and certainly would fail of two thirds of the vote.

It is not my intention to be in any way an obstructionist, I just know this: that even if we engross this measure now, this will be reopened in the other branch, it will come back to us anyway. It might be the thinking of the gentleman from Cumberland, Mr. Richardson, and the gentleman from Madawaska, Mr. Levesque, to let it go on the other side, but I do know that we have not seen the last of this. If it is their thinking that it would be best to do it that way, I will vote for the engrossment of the bill; otherwise, I would suggest that somebody table the bill.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Precisely for the reasons given you by the gentleman from Lewiston, Mr. Jalbert, because the bill will probably suffer a few more amendments in the Senate and come back to us in non-concurrence, I suggest to you that the thing to do is to pass it to be engrossed today, recognizing as we all do that it is going to be amended in the Senate. If it is not, I will go on the record right now as supporting a motion for the suspension of the rules in order to permit the consideration of further amendments here in the House.

Progress may be illusory, but it would give some of us at least a real feeling of progress to see our faithful old friend start down the hall and to haunt them for a while. And I certainly would like to have it passed to be engrossed and believe me, ladies and gentlemen and particularly my good friend from Lewiston, I don't have any illusions about this being the final word.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I understand that it is not possible to change a roll-call vote that has already been made. However, for the record I wish to say that I was recorded as voting no on House Amendment "L", House Paper 548 to the Appropriations Bill which is the one relating to vocational education. In the confusion I flipped my button the wrong way and I was very much opposed to this amendment and in favor of both the scholarships and vocational education.

The SPEAKER: Is it now the pleasure of the House that this bill be passed to be engrossed as amended by Senate Amendment "C" as amended by House Amendment "A" thereto, House "E", "F", "H", "J", "K" and "L"?

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

The SPEAKER: Is there objection to the Chair taking up out of order a matter of emergency nature which was tabled and later today assigned?

ORDERED, the House concurring, that Bill "An Act to Give Relief to Elderly Persons from the Increasing Property Tax," S. P. 474, L. D. 1550, be recalled from the Governor to the Senate (S. P. 514)

Came from the Senate read and passed.

Thereupon, the Order received passage in concurrence.

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

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

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

Pending — Passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: A number of amendments are under consideration at this time to this document and therefore I would ask some member of the House to table this until the next legislative day.

Thereupon, on motion of Mr. Rideout of Manchester, retabled pending passage to be engrossed and specially assigned for tomorrow.

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

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

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

Pending — Passage to be engrossed.

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

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

MAJORITY REPORT (6) — Committee on Taxation on Resolve Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use (H. P. 873) (L. D. 1121) reporting "Ought to pass" as amended by Committee Amendment "A" H-512 and MINORITY REPORT (4) reporting "Ought not to pass"

Tabled—June 12 by Mr. Susi of Pittsfield.

Pending — Acceptance of either Report.

On motion of Mr. Harriman of Hollis, the Majority "Ought to pass" Report was accepted.

The Resolve was given its first reading.

Committee Amendment "A" (H-512) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

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

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

Tabled—June 12, by Mr. Chandler of Orono.

Pending—Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker, I now move that this bill be indefinitely postponed and I would speak to my motion.

The SPEAKER: The gentleman from Eliot, Mr. Hichens moves that L. D. 1555 be indefinitely postponed.

The gentleman may proceed.

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: This bill originally came out as L. D. 1306 entitled "An Act relating to Services of Private Clubs Under the Liquor Laws." This was to close these private clubs or penalize them who do not have licenses and who are carrying on this bottle club idea throughout the state with no payment or regard to the laws of our state.

It had much opposition from bigger clubs such as the Portland Yacht Club, and a redraft was drawn up apparently to the satisfaction of these people. But then in Committee, this was scuttled and a

redraft 1555 was brought out relating to services to premises not licensed under the liquor laws, which included hotels, motels and restaurants. This came out in unanimous report of the Committee as "Ought to pass." But then in the Senate an amendment was put on it to include hotels and just motel restaurants, allowing all of these restaurants throughout our state who do not have licenses to allow people to come in with their own liquor and carry on as the licensed premises would.

We feel that this is discriminatory legislation, and so most of the members of the Committee have agreed to come out with an order for the Research Committee pertaining to both these bills and report back to the 105th Legislature so that we may act in accordance with our agreement. And so I would move that we indefinitely postpone this bill.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Eliot, Mr. Hichens that the Bill be indefinitely postponed in non-concurrence. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

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

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

Tabled—June 12, by Mr. Ross of Bath.

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

Thereupon, Mr. Cote of Lewiston withdrew his motion to substitute the Bill for the Report.

On motion of Mr. Temple of Portland, the "Ought not to pass" Report was accepted and sent up for concurrence.

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

Bill "An Act relating to the Purposes and Powers of the Maine Port Authority" (H. P. 1265) (L. D. 1595)

Tabled—June 13, by Mr. Sheltra of Biddeford.

Pending — Passage to be engrossed.

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

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

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

Tabled—June 13, by Mr. Birt of East Millinocket.

Pending—Final passage.

On motion of Mr. Rideout of Manchester, under suspension of the rules, the House reconsidered its action of June 11 whereby the Resolve was passed to be engrossed.

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

House Amendment "A" (H-534) was read by the Clerk and adopted.

Mr. Berman of Houlton then offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-537) was read by the Clerk and adopted.

Mr. Martin of Eagle Lake then offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-541) was read by the Clerk.

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

Mr. BERMAN: Mr. Speaker and Members of the House: House Amendment "C" is quite a bit more comprehensive than House amendments either "A" or "B". It really needs some study and I would hope that this amendment, which just struck our desks I think sometime this afternoon, someone might table it for a more appropriate time.

Whereupon, on motion of Mr. Dudley of Enfield, tabled pending adoption of House Amendment "C" and specially assigned for tomorrow.

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

An Act relating to Mandatory Discharge of Chattel Mortgages and Notes (H. P. 929) (L. D. 1190)

Tabled—June 13, by Mr. Benson of Southwest Harbor.

Pending—Passage to be enacted.

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

Mr. BENSON: Mr. Speaker and Members of the House: First of all I move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson moves that L. D. 1190 as amended be indefinitely postponed.

The gentleman may proceed.

Mr. BENSON: Mr. Speaker and Members of the House: This bill with reference to mandatory discharges of chattel mortgages is improved a little bit by the several amendments that have been attached to it, but still it has some defects. First of all it changes the Uniform Commercial Code, which has been adopted by practically every state, and Maine in this vital area will be different from all the other states if we enact this legislation.

Secondly, it will place a major hardship on the automobile dealers, appliance stores, department stores, and all others who take chattel mortgages on sales of personal property. These people under this bill will have to collect discharge fees when they sell an automobile. For example, they will have to hold it on their records until the note is paid and then the dealer has to discharge the mortgage himself and send out termination statements, all with a good deal of extra record keeping; and that I feel is a detriment once again to the small businessman.

In many instances he would not even be able to find the car purchaser several years later when the note is paid. It is for these several reasons that I feel that we would be moving in a very dangerous area if we were to enact this legislation. I ask that you support

the indefinite postponement motion.

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

Mr. BERMAN: Mr. Speaker and Members of the House: This was a matter that was brought before our Committee by the gentleman from Strong, Mr. Dyar, who I notice is not present in the hall of the House right now. This is the first notice that I have had that any motion was going to be made to indefinitely postpone, so I must rise to explain our position on it and then hope someone would extend Mr. Dyar the usual courtesy.

Now it is true that this is a matter affecting the Uniform Commercial Code. It is true that in this particular area Maine would be a little different than perhaps some of the other states. But I tell this House in all sincerity that when we adopted the Uniform Commercial Code — and that was a very substantial document, we did it a little different than the rest of the other states, and we did it to accommodate our town clerks.

One of the great advantages of the Uniform Commercial Code, as I recall it, in pure form, is that there should be central recording, and this would save the expense of the people who were financing. It would also be of benefit to those who were doing the financing as well as those who were being financed.

But lo and behold, we were presented in the Judiciary Committee, I think it was back in 1963, by a solid phalanx of municipal people who said—all right, we will go along with the Uniform Commercial Code if you will agree to let us record in the municipalities as we always have before. Well, believe it or not down in Judiciary we are pretty practical people and in order to get the so-called Uniform Commercial Code we had to make an exception for the State of Maine to permit multiple recordings so that local people and municipalities could receive the remuneration that they thought was their due and has been their due for some years.

So I don't think that your Committee was doing anything out of

the way when they considered the evidence that Mr. Dyar of Strong presented to the Committee in behalf of the bill, and certainly at this late date — and I now see Mr. Dyer has reentered the chambers, I hope that the House will not peremptorily indefinitely postpone this without listening to the arguments on the other side. Thank you.

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

Mr. DYAR: Mr. Speaker, I request that this item be tabled to the next legislative day.

Whereupon, Mr. Dam of Skowhegan requested a vote.

The SPEAKER: The gentleman from Strong, Mr. Dyar moves that L. D. 1190 be tabled until tomorrow pending the motion of the gentleman from Southwest Harbor, Mr. Benson that it be indefinitely postponed. A vote has been requested on the tabling motion. All in favor of this matter being tabled until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 65 having voted in the affirmative and 32 in the negative, the motion did prevail.

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

HOUSE REPORT — Committee on State Government on Bill "An Act Revising the Salary Plan for Certain Unclassified State Officials" (H. P. 97) (L. D. 105) reporting same in a new draft (H. P. 1272) (L. D. 1601) under title of "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials" and that it "Ought to pass"

Tabled — June 13, by Mr. Martin of Eagle Lake.

Pending — Acceptance.

Thereupon, the "Ought to pass" Report in new draft was accepted, the New Draft read twice and tomorrow assigned.

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

An Act to Permit Savings Banks to Engage in Debtor Counseling Services (H. P. 1076) (L. D. 1399)

Tabled—June 13, by Mr. McTeague of Brunswick.

Pending—Passage to be enacted.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I will try to be relatively brief. We try to be courteous on these matters and when this matter came to the attention of some of us and we had studied it out, and we thought it should be indefinitely postponed I made a point this morning to go to the gentleman who was very much interested in the bill, my good friend from Jefferson, Mr. Clark, and gave him notice what would be involved so that he would be able to be present and present his side of the argument.

Now frankly, this bill, An Act to Permit Savings Banks to Engage in Debtor Counseling Services, has merit. Savings banks, as I understand it, in the State of Maine are not owned by the stockholders, but any profits that they make are very fairly returned to their depositors. Now other types of banks, the so-called commercial banks, whether the state banks or the federal banks, are owned by stockholders and profits still go to the depositors as such but under our economic system go to the stockholders, which is as it should be.

Now this bill, as I read it—An Act to Permit Savings Banks to Engage in Debtor Counseling Services, has been amended to include the commercial banks. Well—all right. Now there are other types of lending institutions in the State of Maine that would like to indulge in debtor counseling service, and I make no criticism of them but these so-called small loan companies charge substantially a high rate of interest. And oftentimes when people are overextended and probably shouldn't have borrowed money from the so-called small loan companies or industrial banks in the first place, and when their obligations become due then they are approached—and I use that term mildly, by the people to whom they owe money and they say, "Now, look you are overdue



but if you want to rewrite this at a certain rate of interest we will consolidate all your debts." Well the poor fellow who shouldn't have borrowed money in the first place is further in hock.

I really think that this House, like other branches of government, should indulge in evenhanded justice and fair play. Now personally I would like to give this debtor counseling service to the savings bank. They operate for the benefit of their depositors and as such it is a very fair situation. But I think that if we give it to the savings bank, obviously we see what has happened, the commercial banks have come in and asked for this debt counseling service.

Now the debt counseling service probably, if it is going to be offered by the commercial banks, certainly it is going to have to be done at somewhat of a profit. All right, so we give it to the commercial banks, the national banks, the state banks. How can we refuse the industrial banks and the small loan companies when they come in for debt counseling service? I say in fair play and in even handed justice, we can't; and while I would like to see it extended to apply to the savings banks, I am afraid it just wouldn't be fair. And for these reasons I shall reluctantly have to move indefinite postponement.

The SPEAKER: The pending question is the motion of the gentleman from Houlton, Mr. Berman, that this matter be indefinitely postponed.

The Chair recognizes the gentleman from Jefferson, Mr. Clark.

Mr. CLARK: Mr. Speaker and Ladies and Gentlemen of the House: I should very much hate to see this bill indefinitely postponed and there are a few reasons that I have to offer. In this day and age about everybody is confronted with finance and there is a lot of consumer credit in this country today. In fact there is about 110 billion and it is increasing at the rate of 5 billion a year. But the sad part of this is these people that are in this are in difficulty. Along with this increase in the consumer credit bankruptcies have increased 250%

in ten years and we are told on good authority that for every family that isn't in bankruptcy there are 20 others that are definitely potential bankrupts and in financial difficulty.

Now the purpose of this bill would give financial institutions as it stands today—not only savings banks but commercial banks and building and loans—finance companies are not included, and it would be the intent that we might organize in any given community and set up this little corporation that would advise these people and perhaps keep them out of difficulty. We find many people have come to the banks after it is too late wherein if they had had a little advice at the right time they could have been saved from a lot of financial difficulty. Purely and simply that is the reason for this legislation, and I sincerely hope that the motion of the gentleman from Houlton, Mr. Berman, does not prevail.

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

Mr. LAWRY: Mr. Speaker, I would like to direct a question through the Chair to the gentleman from Houlton, Mr. Berman, who presently is authorized to give debt counseling service?

The SPEAKER: The gentleman from Fairfield, Mr. Lawry poses a question through the Chair to the gentleman from Houlton, Mr. Berman, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. BERMAN: Mr. Speaker and Members of the House. For one of the few times in my legislative career, I really don't know that answer.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: In precise answer to the question, anyone is authorized to give debt counseling service, but only an attorney-at-law is allowed to engage in budget planning. Budget planning, which is a crime because of its unsavory background, except under certain very limited circumstances, means not only financial counseling people, it means en-

tering into a contractual arrangement whereby a man agrees to pay so much of his salary in each week and a person to whom he agrees to pay it agrees with certain of the creditors to pay it out on a certain ratio between the various creditors. But in regard to the specific question of who can give financial advice, anyone can give financial advice.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I am very much opposed to the motion to indefinitely postpone this bill because I have had some experience with it. Two years ago I sponsored a similar bill which at that time was referred to the Judiciary Committee and the purpose of this bill was to help the average working person when they got into financial difficulties. At that time it had a very good hearing, it had absolutely no opposition, and I thought that the proponents had made a very good impression. But I was evidently wrong because I was surprised when it came out of Judiciary Committee that it had a unanimous "Ought not to pass" Report. And the same reasons are the ones propounded today by the gentleman from Houlton, Mr. Berman, that they were afraid of the small loan companies. Now I thought that the fears were unfounded then and I think that they are unfounded now.

Now this year I sponsored another similar bill, L. D. 1039. And this year it was heard by the Business Legislation Committee. They thought it was a good idea but I had not been as specific as this bill and I did not confine the makeup of this group to a group of banks, and so they decided to come out in favor of this new draft. And I was willing to accept "leave to withdraw." But let's explain just what it is and we will see whether or not we are so concerned with it.

Concerned persons in business, banking and finance are constantly worried about people who for one reason or another find themselves in the endless snarl of real financial difficulty. Furthermore debt troubles often cause family trou-

bles. Any practical method of helping these individuals regain solvency, self-reliance and family unity should be carefully considered. This is the purpose of the legislation before us today. It would allow savings banks and other banking institutions to assist persons in budget planning and credit counseling.

Of course there is no set patterns in the methods to be employed. Individual cases must be diagnosed and treated separately. However, in general the debtor would fill out a form listing assets and liabilities, a personal interview would follow to determine a sensible course of action. A workable budget would be established and perhaps some sort of a special account from which payments could be made, planned and repayments scheduled. Creditors would be contacted by the counselor, notified of the plan and requested to cooperate.

As the months pass with careful supervision the debtor finally returns to solvency and its accompanying self-respect. As everyone knows and as has been mentioned, we are living in an age of credit buying. Unfortunately credit education has not kept up with the increased desire and ease for credit itself. Many families without realizing it suddenly find themselves completely over their head in time payments. They need and deserve any help and advice which is possible. This service as suggested is surely a step in the right direction. However, it would not be possible without a change in the law.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I agree with the gentleman from Houlton and the gentleman from Bath that there are significant problems in regard to consumer finance. Many people unfortunately do get in over their heads. Interest rates are very high. This can have a tragic effect on a family, not only financially but at sometimes I think it can be the cause of family disharmony and eventually divorce. It also can and is the cause of losses to businessmen in a community in-

cluding businessmen in the field of finance, including banks and small loan companies.

The title to this bill, which was An Act Permitting Savings Banks to Engage in Debtor Counseling Services, is in my opinion, concerning the redraft, less than fully descriptive of the effect of the bill under the contents of the bill. First of all, as has been pointed out by previous speakers, we are no longer dealing with just savings banks. I think, at least I know in my area, that savings banks as financial institutions enjoy a very high reputation. They are basically non-profit organizations run for the benefit of their members. On the other hand commercial banks are of course profit organizations. Commercial banks are included under this redraft, and also included are what are called industrial banks, which I believe are really in fact not banks at all but small loan companies.

So it doesn't apply to just savings banks any more, as I understand it did when it was originally put in, and I would doubt that the change came about because of any great cries by the anguished people who were over their head in debt. I would think rather perhaps the one type of financial institution saw that another financial institution might gain perhaps both an opportunity to serve and an opportunity to protect itself and make a profit and they wanted to get on the bandwagon. Well, what is the bandwagon?

First of all, debtor counseling is just what it says, it is advising a person in debt regarding their debts. There is absolutely no prohibition against any one bank or individual engaging in this practice now and at any time. And if you think of it we all engage in debtor counseling on many occasions, perhaps with our relatives, friends or employees. But there is a second phrase in there that sounds something like debtor counseling or financial counseling but it is entirely different, and that second phrase is the practice of budget planning. Budget planning is very explicitly defined in our law and I would like to read you the definition from the Criminal Code Title 17, Section

702: "Budget planning means the making of a contract with a particular debtor whereby the debtor agrees to pay a certain amount periodically to the person engaged in budget planning who shall distribute the same among certain specified creditors in accordance with the plan agreed upon." In other words, budget planning is very much more than mere financial advice and counsel. It is in fact a setup whereby an individual—in this case a financial institution, sets himself up to function in the same fashion that our federal court functions under the wage earner plan.

Now the whole area of indebtedness, big indebtedness, budget planning, bankruptcy and the whole areas, is an extremely sensitive one which history shows that many at various times has been abused, it has been plagued with fraud. There are a great many safeguards in the administration of our federal court, both in Bangor and in Portland, to guard against these type proceedings, and they are needed.

The reason, in my opinion, that a prior legislature in the Criminal Code prohibited this practice was because they recognized that it often led to abuses. There has been an outfit out of New Hampshire, which I believe has been violating our Maine law by engaging in this practice by mail, sometimes in the State and sometimes by enticing Maine debtors to New Hampshire, to engage in budget planning down there. And in my experience they haven't been entirely on the up and up and the Attorney General has looked into the matter.

Now I don't believe that our savings banks or our commercial banks or even our industrial banks or finance companies, if they got into the area, would intentionally engage in any corrupt practices. However, it is an extremely sensitive area and I ask you to consider this. There is nothing said in the bill about how the financial institution is to be compensated for this service it performs. The financial institution can perform it either directly or a number of financial institutions can go together and form a corporation to do it. Now when we are talking about

forming other corporations, office space and employees and all these things, this costs money. I think that the desire of these institutions to help creditors is very commendable, but I ask the House very seriously whether we can consider this as entirely a charitable motive or whether there may be a personal and financial interest on the part of the financial institutions involved.

The real difficulty in the law is the possible conflict of interest. Let's take Brunswick, a town with one savings bank, a very fine one, one building and loan association, and the branches of three commercial banks, plus numerous loan companies and an industrial bank. So a man goes into an industrial bank in my town to get debtor counseling because he is \$5,000 in debt and he only makes \$5,000 a year and has five children and among his debts are one of \$1,000 to that very industrial bank that he goes in for counseling for. There you have the possibility of gross abuse and conflict of interest.

For this reason I wholeheartedly concur with Mr. Beriman of Houlton in regard to the indefinite postponement of this bill. However, I would hope that at either this session or a subsequent session we could specifically allow financial counseling by non-profit organizations who would not have a conflict of interest. I would suggest that church groups, perhaps credit unions, labor organizations, fraternal organizations, are admirably suited to do this work without the possibility of conflict of interest. But when a man owes money and is in debt, he owes money to banks and financial institutions, and he deserves to have the counseling that comes to him not be subject to the possibility of a conflict of interest.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This bill was heard before the Business Legislation Committee. There was no opposition to the bill, and it came out with the unanimous report with the Com-

mittee Amendment which allowed all banks and trust companies as well as savings and loan associations to provide this debtor counseling service. I feel and I think the Committee feels that it is very important for people in financial difficulty to have a place to go where they can receive competent financial advice. This legislation will go a long way toward cutting down on wage earner plans, bankruptcies and so forth. This legislation will also provide a proper place for persons to go who are in financial difficulty instead of going to small loan companies and thereby getting into further financial difficulty.

This will be regulated by the Bank Commissioner and the fees charged for this service will be small and be regulated by him. And I hope that you do not support the motion for indefinite postponement.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Houlton, Mr. Beriman that An Act to Permit Savings Banks to Engage in Debtor Counseling Services, House Paper 1076, L. D. 1399, 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.

A vote of the House was taken. 16 voted in the affirmative and 82 voted in the negative.

Whereupon, Mr. McTeague of Brunswick requested the yeas and nays.

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

Mr. RICHARDSON: Mr. Speaker, I am pleased actually that the gentleman has requested the yeas and nays because I intend to vote against indefinite postponement. I don't think there is any question but that the institutions outlined in the bill as amended possess the necessary competence to offer constructive and helpful advice to those people who are caught in the web of debt, and that includes the Majority leader.

I don't see how this particular amendment represents a threat. I am always very sensitive to the unauthorized practice of law by my friends in the insurance industry, by real estate brokers and the like. In this particular instance I fail to see how this represents any great threat to the legal profession. It might on the other hand provide a substantial service to the people of this state who are required to borrow. Therefore I shall vote against indefinite postponement.

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

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

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

Mr. McTEAUGUE: Mr. Speaker, I know it is late and I will be short. I know that the Majority leader by his mention of the practice of law included no allusion that this was an attempt to retain an area of my practice or that of any other attorney in the House. I have handled some bankruptcy cases; I do not handle a great number. I handle a good number of drunk driving cases and yet I voted for implied consent. I feel like every other member of this House, I have not voted my personal financial interest or spoken in favor of it on any bill. I am opposed to this bill because I feel that it could in some circumstances further hurt people already in very dire shape.

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

Mr. BERMAN: Mr. Speaker, Members of the House: Lest there be any misunderstanding in the words spoken by my colleague and friend from Cumberland, Mr. Richardson, as I said at the outset I am not opposed to a savings bank giving this type of debt counseling

service. I certainly have some reservations about commercial banks.

What I wanted to point out to the House is that if we pass this bill to be enacted, and apparently it is going to be passed in this House to be enacted, I hope that in the future the ladies and gentlemen of this House will keep an eye on what will be going on in this debt counseling service and I hope what I fear will not come to pass, that the small loan companies and the so-called industrial banks will be in here and asking for a similar dispensation.

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

Mr. BENSON: Mr. Speaker and Members of the House: I am not going to speak on the bill but this does afford a good opportunity to mention the fact that we are compiling just a ridiculous record of endless roll call votes here. We just had a vote and it was defeated, losing by 18 on the short side and yet we are going to order a roll call. I think if we do have a feeling of conservatism here, this is one area that we can make substantial savings and stop ordering roll calls. It is extremely expensive to put these into the legislative record.

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

Mr. HEWES: Mr. Speaker and Members of the House: Perhaps because I am a lawyer I shouldn't speak but on the other hand I have seen some of the unfortunate advices that people have received. Recently a client came to me. She had bought complete insurance coverage, she thought, from the garage where she purchased her car. Come to find out she had only gotten collision coverage which protected the garage's interest which she bought on time and did not provide liability coverage for her.

I ask you, who is to benefit from this, the people, the general public, the poor fellow or the banks, and I submit that the banks are the ones, not the poor people. And poor advice may be given by tellers who are not qualified to give advice on such subjects, so I sup-

port the indefinite postponement motion.

The SPEAKER: The pending question is on the motion of the gentleman from Houlton, Mr. Berman that this Bill be indefinitely postponed. A roll call has been ordered. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

### ROLL CALL

YEA — Bedard, Berman, Bernier, Binnette, Bourgoin, Carter, Casey, Corson, Cox, Crommett, Croteau, Curtis, Faucher, Fortier, M.; Fraser, Gilbert, Giroux, Hanson, Heselton, Hewes, Keyte, Levesque, Lund, Martin, McKinnon, McTeague, Mills, Nadeau, Noyes, Sheltra, Soulas, Starbird, Temple, Tyndale, Vincent, Waxman, Wheeler, Wood.

NAY — Allen, Baker, Barnes, Benson, Birt, Boudeau, Bragdon, Brown, Buckley, Carey, Carrier, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Crosby, Cummings, Cushing, D'Alfonso, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Erickson, Eustis, Evans, Farnham, Fecteau, Finemore, Fortier, A. J.; Hall, Hardy, Harriman, Hawkens, Henley, Hichens, Huber, Immonen, Kelley, K. F.; Kelley, R. P.; Lawry, Lebel, Lee, Leibowitz, LePage, Lewin, Lincoln, MacPhail, Marstaller, McNally, Meisner, Millett, Moreshead, Morgan, Mosher, Payson, Porter, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Thompson, Trask, White, Wight.

ABSENT — Brennan, Bunker, Burnham, Coffey, Couture, Curran, Danton, Emery, Foster, Gauthier, Good, Haskell, Hunter, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelroy, Laberge, Lewis, Marquis, Mitchell, Norris, Ouellette, Page, Pratt, Rand, Ricker, Rocheleau, Sahagian, Santoro, Susi, Tanquay, Watson, Williams.

Yes, 38; No, 76; Absent, 36.

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

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

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

An Act Prohibiting the Conducting of Contests and Games by Retail Sellers (H. P. 1207) (L. D. 1534)

Tabled — June 13, by Mr. Scott of Wilton.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker, could I have this bill tabled until tomorrow, please?

Whereupon, Mr. Scott of Wilton requested a vote.

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

A vote of the House was taken, 54 having voted in the affirmative and 47 having voted in the negative, the motion to table did prevail.

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

SENATE REPORT — 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. (In Senate, accepted)

Tabled—June 16, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Lund of Augusta to reconsider acceptance.

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

Mr. LUND: Mr. Speaker, items 13 and 14 are related items of legislation. Some of my friends who are concerned understandably with the problems of the construction business have inquired whether there are any sinister motives to my asking reconsideration of item 13 the other day, when the House accepted the Committee Report of

“ought not to pass” as covered by other legislation.

Item 13, sponsored by Senator Berry, represents the Administration's solution to the problem of rehabilitation of our sand and gravel pits and it was reported out “ought not to pass” as covered by other legislation presumably because sand and gravel pits were included within the provisions of item 14 which I sponsored.

In accordance with the debate the other day, I have had an amendment prepared which I will eventually be offering and an additional amendment which has not yet been distributed with respect to item 14, but the effect will be to take sand and gravel out of item 14. Now if the Legislature wishes not to attempt to deal with the problem of sand and gravel by accepting the “ought not to pass” report on item 13, this of course is the Legislature's prerogative; but I think it ought not to do so under the mistaken assumption that sand and gravel is going to be taken care of in my bill, which is item 14, because I propose to take it out by an amendment.

I would therefore hope that someone would table item 13 until we have had the opportunity to take sand and gravel out of the next item, 14, and I therefore hope that someone would table this until the next legislative day.

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

Mr. MARTIN: Mr. Speaker, I move that this be tabled for one legislative day.

Whereupon, Mr. Lee of Albion requested a vote.

The SPEAKER: A vote has been requested on the tabling motion. The gentleman from Eagle Lake, Mr. Martin moves that L. D. 1024 be tabled until tomorrow pending the motion of the gentleman from Augusta, Mr. Lund to reconsider acceptance in concurrence. All in favor of this matter being tabled will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

57 having voted in the affirmative and 22 having voted in the negative, the motion to table did prevail.

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

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

Tabled—June 16, by Mr. Lund of Augusta.

Pending — Passage to be engrossed.

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

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

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

Tabled—June 16, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Because I am sure that this item and the one that follows it is going to provoke rather spirited debate and I suppose rather lengthy, I am going to suggest that this item and the one that followed would be tabled until the next legislative day with the understanding that we will tomorrow debate these two bills.

Whereupon, on motion of Mr. Benson of Southwest Harbor, retabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the sixteenth 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 16, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

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

Bill "An Act relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County" (H. P. 1231) (L. D. 1564)

Tabled—June 16, by Mr. Carey of Waterville.

Pending — Passage to be engrossed.

Thereupon, Mr. Meisner of Dover-Foxcroft offered House Amendment "E" and moves its adoption.

House Amendment "E" (H-522) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. MEISNER: Mr. Speaker and Members of the House: I would like to speak just briefly to this motion. As I explained a few days ago this is our regular salary bill that was supposed to represent our budget, but for some reason—I think perhaps it was because of the stupidity of the delegation's leader, the chairman, this was not in the Towns and Counties bill. But this amendment is our real bill on the salaries of the employees in our county. We think this is a just bill. We are not asking you for any money. We are just asking your blessing upon it so that we may spend about \$5,000 of our own money in making our employees happy and getting this out of our own minds. I hope you will go along with this amendment.

Thereupon, House Amendment "E" was adopted.

Mr. Sheltra of Biddeford then offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-519) was read by the Clerk.

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

Mr. CROSBY: Mr. Speaker and Members of the House: I oppose the adoption of this amendment.

At the time our county delegation held its meeting to make out the budget it was what I thought to be a unanimous decision that no salary increases be given to the elected officers. We did, however, increase the salaries of the clerks in the various offices in the county who are the ones that are doing the work.

Now we find that an amendment has been put in increasing all the salaries ten percent. There was no provision in the budget for this amount of money and therefore I hope that you will go along with the delegation in its opinion and vote against the adoption of the amendment.

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

Mr. SHELTRA: Mr. Speaker and Members of the House: At the earliest stages of this session we did have a caucus amongst our county delegation. At that time it was the unanimous opinion that York County would not be a county to come out and establish a trend for pay hikes for anybody. However, there was so little information to be obtained because it was so early in the session that we had no idea as to what the other counties would come up with later on in this session.

I want to commend Mr. Wight and his Towns and Counties Committee and everyone else that serves on it but, however, whereby York County was not in a position to submit for a pay hike why I can see where they didn't have to act on it.

When the county commissioners presented their budgets they were asking for substantial pay increases. At that time we formed a committee of four, two Republicans and two Democrats, that confronted the county commissioners; and of course actually an economy bloc was ever present at the time, and they were told that this Legislature would not be allowing or permitting any raises on the county level. I mean this is what they were led to believe.

Now when the Towns and Counties report came out I voted for Report "A", which was a con-



servative raise for most of the counties involved. However, Report "A" was not accepted, Report "B" was accepted which was the Report from the various counties themselves with the higher pay increases included.

Well when I took this information back to our county commissioners they were most disturbed. They said, how is it that every other county in the State is entitled to pay increases and we here in York County are not? I couldn't logically answer this question. I felt that this was discrimination really. I am all in favor of economy but not at the expense of York County. I think that the County of York is one of the most active, one of the most populated within the State itself. During our summer months, for instance, our population triples and this is an ever increasing burden upon our county officials, whether it be the sheriff or whether it be the clerk of courts or our law enforcement officials, or whoever it might be.

And this is why that I felt I would be remiss in my duty were I not to present this amendment today in front of you gentlemen and hope that perhaps you will have compassion enough to go along with this increase. The increase that I am presenting to you here today is a mere ten per cent increase. You can figure it as five per cent for each biennium or you could also figure it as only a two and a half per cent increase, which actually I don't consider an increase in the sense that the cost of living itself will have swallowed this increase by the time that these recipients receive it.

All I am asking is for justification here, and I hope that you will see in your minds to have a little bit of compassion; and speaking for the County of York, were we to poll the delegation today, I know that the results would be perhaps nine to seven "ought not to pass." However, since my short tenure in the Legislature here, I have seen many committee reports come in with the unanimous "ought not to pass" that have been reversed. So I am in hopes today that perhaps this will again prevail for the betterment of all and I request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker and Members of the House. I arise in support of the gentleman from Kennebunk, Mr. Crosby and the majority of the York County delegation. I think that the House should go along here with the county's delegation recommendation.

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

Mrs. BROWN: Mr. Speaker and Members of the House: The county budget or requests from the towns were sent out in respect to what we planned as to budget and even then many of us received letters from our selectmen complaining about a raise that we didn't understand; we have never had an explanation from the county commissioners on this. Now we didn't include any of these raises. This would be another raise to the towns if we do this.

I am not terribly certain but I am looking here at L. D. 1564 and in all the changes that were made in the other counties York was not changed, but in a very quick comparison it seems to me that York had been well ahead of these other counties all along anyway. I don't want to say this as an absolute fact, but this is the way the bill looks to me.

I urge you to vote against the amendment.

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

Mr. SHELTRA: Mr. Speaker and Members of the House: When Report "B"—the morning that Report "B" was accepted I went to our county chairman and I asked of him at that time if he wouldn't call for a caucus the following Monday so that we could discuss the issue once again in view of the new evidence of the increases that were being obtained in other counties, and I was denied this privilege.

Inssofar as comparison figures, I have Androscoggin County here in comparison to York. Their county commissioners are going to have \$3,000; York County commissioners are being paid \$2250. This

is quite a substantial difference. Clerk of courts, Androscoggin County \$8400 going to \$8600. There again, York County, \$7,000. County Treasurer from \$5500 to \$6050; York County, \$2250. I think you can see the discrepancy here as I read these figures. For the office of sheriff Androscoggin County, going to \$8,000; York County \$7,000, and so on down the line. I don't want to belabor this point. I know it is very late in the day and I know that you gentlemen have had a very arduous day, but I do wish you would consider this and go along with us. Thank you.

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

Mr. NADEAU: Mr. Speaker and Members of the House: To me it is a question of politics. The Republican advocacy is the majority in the House here and we are the minority. So even if we were to have a meeting together, we would be the losers just the same.

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

Mr. CROSBY: Mr. Speaker and Members of the House: I deny the fact that this was a partisan vote. At the time of our meeting, there was all but one who voted to go along with the budget as we proposed it with no pay increases. Now certainly out of that group, there are some on both sides.

The SPEAKER: All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunk, Mr. Crosby, that House Amendment "D" be indefinitely postponed. If you are in favor of the motion 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, Birt, Bragdon, Brown, Buckley, Chand-

ler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cox, Crosby, Cummings, Curtis, Cushing, Dam, Donaghy, Drigotas, Durgin, Dyar, Erickson, Farnham, Finemore, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Kelley, R. P.; Lee, Lewin, Lincoln, MacPhail, Marstaller, McKinnon, McNally, Mosher, Page, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Shaw, Soulas, Stillings, Thompson, Tyndale, Wight, Wood.

NAY — Bernier, Binnette, Boudreau, Bourgoin, Carter, Casey, Cottrell, Crommett, Croteau, Eustis, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Heselton, Kelley, K. F.; Keyte, Lawry, Leibowitz, LePage, Levesque, Martin, McTeague, Meisner, Mills, Morgan, Nadeau, Sheltra, Snow, Starbird, Temple, Vincent, Watson, Waxman, Wheeler.

ABSENT — Brennan, Bunker, Burnham, Carey, Carrier, Coffey, Cote, Couture, Curran, D'Alfonso, Danton, Dennett, Dudley, Emery, Evans, Faucher, Foster, Gauthier, Gilbert, Giroux, Good, Haskell, Hunter, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kilroy, Laberge, Lebel, Lewis, Lund, Marquis, Millett, Mitchell, Moreshead, Norris, Noyes, Ouellette, R a n d, Ricker, Rideout, Rocheleau, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Susi, Tanguay, Trask, White, Williams.

Yes, 61; No, 35; Absent, 54.

The SPEAKER: Sixty-one having voted in the affirmative and thirty-five in the negative, the motion does prevail.

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

The Chair laid before the House the eighteenth 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 16, by Mr. Carter of Winslow.

Pending — Passed to be enacted.

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

The Chair laid before the House the nineteenth 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 16, by Mr. Berman of Houlton.

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: Late in the day we learned for the first time that there has now been a question raised as to the compliance of any one of these amendments with various federal statutes which have recently been enacted. For this reason I would ask some member of the House to table this bill until the next legislative day, with the definite understanding that we are going to resolve this issue tomorrow one way or the other.

Thereupon, on motion of Mr. Benson of Southwest Harbor, retabled pending the motion of Mr. Rideout of Manchester to accept Report "C" and specially assigned for tomorrow.

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

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

Tabled—June 16, by Mr. Berman of Houlton.

Pending—Passage to be enacted.

On motion of Mr. Hewes of Cape Elizabeth, under suspension of the

rules, the House reconsidered its action of June 10 whereby it receded and concurred.

On further motion of the same gentleman, the House voted to recede.

Senate Amendment "A" (S-214) was read by the Clerk, and on further motion of the same gentleman it was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-540) was read by the Clerk and adopted.

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

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

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

Tabled—June 16, by Mr. Corson of Madison.

Penning — Passage to be engrossed.

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

Mr. CORSON: Mr. Speaker and Ladies and Gentlemen of the House: I have just conferred with the Director of Legislative Research and he has informed me that the amendment for which we have waited so long is now completed. It will be proofread tomorrow morning; it will be distributed and presented tomorrow afternoon. Therefore, I would ask that this item be tabled for an legislative day.

Whereupon, on motion of Mr. Waxman of Portland, retabled pending passage to be engrossed and specially assigned for tomorrow.

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

Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Twenty Years (H. P. 314) (L. D. 802)

Tabled — June 16, by Mr. Vincent of Portland.

Pending — Final Passage.

On motion of Mr. Corson of Madison, retabled pending final

passage and specially assigned for tomorrow.

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

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 16, by Mr. Berman of Houlton.

Pending — Further consideration.

On motion of Mr. Benson of Southwest Harbor, retabled pending further consideration and specially assigned for tomorrow.

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

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

Tabled — June 16, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

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

The Chair laid before the House a matter tabled earlier and assigned for later in today's session:

Report of the Committee on Judiciary on Bill "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties" (S. P. 365) (L. D. 1247) reporting same in a new draft (S. P. 503) (L. D. 1599) under same title and that it "Ought to pass"

On motion of Mr. Berman of Houlton, retabled pending acceptance in concurrence and specially assigned for tomorrow.

(Off Record Remarks)

On motion of Mr. Benson of Southwest Harbor,

Adjourned until nine - thirty o'clock tomorrow morning.