

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume III**

June 17, 1969 to July 2, 1969

Index

**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Monday, June 23, 1969

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

Prayer by Father Justin Vaskys of Greene.

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

The journal of the previous session was read and approved.

**Conference Committee Reports**

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

Bill "An Act Exempting Sales to Certain Children Treatment Centers from the Sales Tax" (H. P. 182) (L. D. 221) reporting that they are unable to agree.

(Signed) SUSI of Pittsfield  
ROSS of Bath  
WHITE of Guilford

—Committee on part of House.

LOGAN of York  
MARTIN of  
Piscataquis  
DUNN of Oxford

—Committee on part of Senate.

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

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

Bill "An Act Revising the General Laws Governing the Town Manager Form of Government" (H. P. 900) (L. D. 1161) reporting that the House recede from passage to be engrossed and from adoption of Committee Amendment "A" as amended by House Amendment "A" thereto; that the House indefinitely postpone Committee Amendment "A" as amended by House Amendment "A" thereto; that the House recede from adoption of House Amendment "A" to Committee Amendment "A" and indefinitely postpone same; that the House adopt Senate Amendment "A" and pass the Bill to be engrossed as amended by House Amendment "A" and Senate Amendment "A"; that the Senate recede and concur with the House.

(Signed)

BAKER of Orrington  
CUSHING of Bucksport  
WHEELER of Portland  
—Committee on part of House.  
TANOUS of Penobscot  
CONLEY of Cumberland  
KELLAM of Cumberland

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence. The House voted to recede from passage to be engrossed and from adoption of Committee Amendment "A" as amended by House Amendment "A" thereto. Committee Amendment "A" as amended by House Amendment "A" thereto was indefinitely postponed. The House voted to recede from adoption of House Amendment "A" to Committee Amendment "A" and the Amendment was indefinitely postponed.

Senate Amendment "A" (S-244) was read by the Clerk and adopted in concurrence.

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

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

Bill "An Act relating to Mediation Authority of State Employees Appeal Board" (H. P. 1035) (L. D. 1345) reporting that they are unable to agree.

(Signed)

HUBER of Rockland  
DURGIN of Raymond  
BEDARD of Saco  
—Committee on part of House.  
LOGAN of York  
TANOUS of Penobscot  
DUNN of Oxford

—Committee on part of Senate.

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

**Papers from the Senate  
Reports of Committees  
Ought to Pass in New Draft**

Report of the Committee on Highways on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Thirty-one Million

Seven Hundred Forty Thousand Dollars on Behalf of the State of Maine to Build State Highways" (S. P. 127) (L. D. 389) reporting same in a new draft (S. P. 521) (L. D. 1607) under title of "An Act to Authorize the Issuance of Bonds in the Amount of Twenty-one Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways" 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 and accepted in concurrence, the New Draft read twice, and assigned for later in today's session.

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

Bill "An Act to Provide for the Construction and Improvement of Airports Throughout the State; for a Tourist Information Building at Kittery; the Repair, Planning and Improvement of Certain State-owned Buildings and Institutions and Provide for other Essential Improvements to Facilities for the Department of Adjutant General, Finance and Administration, Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$1,940,000" (H. P. 307) (L. D. 394) which was passed to be engrossed as amended by Committee Amendment "A" in the House on June 11.

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

In the House:

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

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: As I stated last week, this is my measure. All I know about it, from its originality in my own area the airport was

taken out of it. From then on everything has been thrown in here but the kitchen sink, and I don't know anything about this bill. I didn't know what the motion was going to be this morning. Before the motion to insist and ask for a Committee of Conference prevails I would ask that some member of the House table this thing until later on in the day so I can look at it.

Whereupon, on motion of Mr. Emery of Auburn, tabled pending the motion of Mr. Bragdon of Perham to insist and ask for a Committee of Conference and assigned for later in today's session.

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

An Act Revising Certain Probate Laws (H. P. 522) (L. D. 693) which was passed to be enacted in the House on May 28 and passed to be engrossed as amended by Committee Amendment "A" on May 22.

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

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

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

Bill "An Act to Provide for the Interception of Wire and Oral Communications" (H. P. 769) (L. D. 1002) which was passed to be engrossed as amended by House Amendments "A", "B" and "C" in non-concurrence in the House on June 11.

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

In the House:

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

Mrs. PAYSON: Mr. Speaker and Members of the House: I move that the House insist on its former action and ask for a Committee of Conference.

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

Mr. BERMAN: Mr. Speaker, Members of the House: The day of adjournment is drawing near. I truly don't believe that a Committee of Conference would accomplish anything at this late hour. Something can be salvaged from the bill, and because of that I would now move that we recede and concur and when the vote is taken I would request a division.

The SPEAKER: The pending question, one of priority, is the motion of the gentleman from Houlton, Mr. Berman that the House recede and concur.

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

Mr. RICHARDSON: Speaker, I would inquire of the gentleman from Houlton, Mr. Berman, whether or not the bill in its present form as it comes to us from the Senate is a blanket prohibition of any sort of wire tapping including wire tapping under a court order by law enforcement agencies?

The SPEAKER: The gentleman from Cumberland, Mr. Richardson 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: I just saw the amendment this morning. I hesitate to give a complete opinion without giving it a great deal of study. It is my offhand opinion that this amendment, if we would recede and concur, would forbid wire tapping in the State of Maine and would create a right of privacy. Frankly I think that's what we want in the State of Maine, to forbid wire tapping.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: As I sort through the answer to the question, I believe that what we are being told is that the House is being asked to reverse its earlier position, which was that

we here in the House at least felt that wire tapping should be prohibited and that it should be permitted to law enforcement agencies only on a showing of a genuine emergency and after a full hearing by court.

It is for this reason that I would urge you to vote against receding and concurring so that we may insist and join in a Committee of Conference and attempt to salvage something from this bill that is worth saving. In its present form it is merely a restatement of our constitutional law in its present position. Therefore I hope that you will not recede and concur and that you will accept the gentlewoman's suggestion that we insist and join in a Committee of Conference.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I don't wish to belabor the point this early in the morning and this early in the week. However, if we are going to salvage anything from the bill I would suggest to the members of the House that it will be on a recede and concur. Now we can go ahead and have a Committee of Conference and take up some more time, but I myself think that this House should be willing to accept a half a loaf if it can't get the full loaf. So I would hope that you would go along with my motion to recede and concur.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding out of the present bill with its amendment that would prohibit private wire tapping, and I think that is a giant step forward. I know the bill was much debated some weeks ago so I won't go into it again. I personally think wire tapping is dirty business. I think you should go along with the gentleman from Houlton, Mr. Berman and recede and concur.

The SPEAKER: 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, 48 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

#### Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises (S. P. 391) (L. D. 1316) which was finally passed in the House on June 18 and passed to be engrossed as amended by Senate Amendments "A", "B" and "C" on June 16.

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

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

#### Non-Concurrent Matter

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 449) (L. D. 1483) which was passed to be engrossed as amended by Senate Amendment "C" as amended by House Amendment "A" thereto and House Amendments "E", "F", "H", "J", "K" and "L" in non-concurrence in the House on June 17.

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

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

Mr. BENSON: Mr. Speaker, I move that we recede from engrossment.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson moves that the House recede. Is this the pleasure of the House?

The motion prevailed.

On further motion of the same gentleman the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary (H. P. 21) (L. D. 24) which failed of final passage in the House on June 16 and which was passed to be engrossed as amended by House Amendment "A" on January 22.

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

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

#### Non-Concurrent Matter

Bill "An Act to Revise the Pharmacy Laws" (H. P. 1175) (L. D. 1496) which was passed to be engrossed as amended by Senate Amendment "B" in non-concurrence in the House on June 16.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. JALBERT: Mr. Speaker, I shall make no motion other than to make the comment that I think it seems a shame to let this measure go down the drain because of somebody being displeased with a bad amendment that was on the bill in the first place. At this stage of the game I can hardly see on this particular bill what we would gain if we did ask for a Committee of Conference. However, I want to go on record as saying that we are allowing a very good piece of legislation because of a very bad amendment go down the drain.

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

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

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

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: Once again I would be remiss in my duties if I didn't make a comment on this. I concur fully with Representative Jalbert from Lewiston because of the fact that basically it is a good piece of legislation. It has been rewritten to suit and to be acceptable to the pharmacy practice throughout the state.

However, because of the lateness of the time and because of nothing to be gained by a Committee of Conference I will have to agree with the other body that we recede and concur. But L. D. 1048 originally was submitted by myself at the request of a pharmacist from my town and then it was rewritten by the Committee, and this rewritten L. D. 1496 basically is a good piece of legislation.

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

#### Non-Concurrent Matter

Bill "An Act to Revise the Liquor Laws" (H. P. 1224) (L. D. 1556)

which was passed to be engrossed as amended by House Amendments "A" and "B" and Senate Amendment "A" as amended by House Amendment "A" thereto in non-concurrence in the House on June 19.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by House Amendments "A" and "B" and Senate Amendment "A".

In the House:

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

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

The SPEAKER: The gentleman from Manchester, Mr. Rideout moves that the House recede and concur.

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

Mr. HICHENS: Mr. Speaker, Ladies and Gentlemen of the House: A few days ago during the debate concerning the sale of wines in the grocery stores, a member of the Liquor Control Committee expressed concern over the fact that a bill was coming before us permitting 17-year old takeout clerks in the grocery stores and handling the wine sales. The sponsor of the wine bill said that he did not think that that should have any effect on our vote at that time, but that if such a bill came before us he could probably oppose it. Following the session several members of the House made similar statements.

When redraft of the revisions bill came out, the section in question, either by printer's error, Legislative Research Office error, or Committee clerk's error, stated 16 as the clerk's age instead of 17 as was agreed upon by the Committee. In respect to the statements made by the wine sponsor and others, I amended the bill by leaving out the section in question, which leaves the law as it presently stands.

Now we have before us a Senate amendment that gives 17-year olders permission to handle beer, but restricts wine sales to 18-year olders. I think you can agree with me as to the problem this presents. Here we have a 17-year old take out clerk ringing up beer sales and then, noticing that the customer has a bottle of wine, has to hold up the line while he or she calls an older person to ring up the wine sale. If this happens two or three times in quick order there are going to be some disgruntled customers, to put it mildly.

This Senate amendment is a private interest measure and one lobbyist especially has really put the pressure on for the chain stores he represents. I therefore humbly request that you reject the motion to recede and concur and that we have a Committee of Conference on this issue.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: This bill is an outcropping of a report from the Legislative Research Committee's subcommittee on the operation of the Liquor Commission. Now briefly let me quote from this report, and I do quote:

"At each hearing in the several cities throughout the State the subcommittee was constantly confronted by storeowners who requested that the age of persons receiving payment for malt liquor at check-out counters in retail stores be reduced. The present law states that any person receiving payment for malt liquor must be at least eighteen years of age. Testimony was offered to the effect that at times it was difficult to obtain check-out help that was eighteen years or more of age. Persons sixteen years of age are quite capable of doing this type of work but the owners were unable to offer them even temporary employment because of this law. It was suggested that the age requirement be reduced to sixteen. It was also suggested that there was no more contamination present in ringing up the sale of a six-pack of beer than there was in ringing up the cost of a carton of cigarettes.

The Committee concluded that the law governing the age of employees receiving payment for malt liquor at check-out counters in retail stores should be reduced to sixteen years of age. It was felt that the fact that a person of sixteen years of age ringing up the sale of malt liquor will in no way affect the morals of that person and the absurdity of a person under eighteen years working at check-out counters having to call the manager or other person twenty-one years of age or over to ring up a sale should be dispensed with."

Now the amendment that we are talking about does not take it to 16; it takes it to 17. Now a further absurdity in this, by the way, is that a 16-year old working as a bag boy can carry out the malt liquor to the car after it has been rung up by someone 21 years or older.

The Governor and the Maine Employees Securities Commission have had a campaign going on for two years now for jobs for the youth, and looking that over plus the absurdities that we ran into at these hearings I conclude that it would be just reasonable to allow seventeen year olds to ring up the sales. I find no contamination of morals on this and I would ask you to recede and concur.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was on the committee with the gentleman from Manchester, Mr. Rideout, the subcommittee on Research, of which the gentleman from Kittery, Mr. Dennett was chairman; and I would agree and concur wholeheartedly with the gentleman from Manchester, Mr. Rideout in that the bill in its entirety other than one item, and that is exactly what the good gentleman from Eliot, Mr. Hichens is talking about.

Now I have never been known to wear too many white ribbons, but by the same token when you talk about a checkout sale, you're a checkout, you're talking about a sale. Now because it was in our rules the subcommittee prevailed on the Liquor Commission to alter its rules that they would allow a bus boy at the age of 16. Now the interests who are supporting the gentleman from Eliot, Mr. Hichens wanted this situation at 18 as far as what they called check-out; and of course the other interests wanted it at 16.

I have had a great many people call me on this measure who have markets of a larger size. I have not had anybody from a smaller size, say a mama and papa store, contact me, but I have had one who is a very large market and another one who is a very large market and part of a chain. And for my money this here allows the youngsters, the checkout — this allows a youngster, boy or girl, to make a sale; because you don't make the sale until the money changes hands, at least the sale has not been finalized for my money until the money changes hands.



I want no part of this. I am willing for the 18, but I want no part of the 17 or under; and I certainly hope that the motion of the gentleman to recede and concur does not prevail so that we can only make the ultimate motion of insisting and asking for Committee of Conference.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: As you people well know I rarely speak on liquor issues. It seems to me though the real issue here, we're putting these products into our supermarkets. Any one of any age, as far as I know, can go in there and pick up a bottle of wine or a case of beer. The only check, as I see this, is when he finally goes out the only person who has any check on whether he could legally buy this or whether he is of a sufficient age, is this check-out person. It seems to me that there is a great deal of merit in holding this at least to the 18 years.

I believe I am in agreement with the gentleman from Lewiston on this occasion.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Manchester, Mr. Rideout 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.

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

Whereupon, on motion of Mr. Hichens of Eliot, the House voted to insist and ask for a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County" (H. P. 1231) (L. D. 1564) which was passed to be engrossed as amended by House

Amendment "E" in the House on June 17.

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

In the House:

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

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

The SPEAKER: The gentleman from Kennebunk, Mr. Crosby, moves that the House insist and request a Committee of Conference.

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

Mr. SHELTRA: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Biddeford, Mr. Sheltra moves that the House recede and concur.

Mr. SHELTRA: I would like to speak on my motion.

The SPEAKER: The gentleman may proceed.

Mr. SHELTRA: Mr. Speaker and Members of the House: Actually last week I had an amendment in the House proposing a 10 per cent rate increase for all of the county officials in York County. The Senate came through in a spirit of compromise here and is willing to allow our sheriff a 10 per cent rate increase which amounts to a mere \$700.

I have had it mentioned to me for instance that a lot of these officials knew what the job paid when they sought the election. In reply to this statement, I would like to say this, that this is what my argument is, because by allowing them a 10 per cent rate increase this gentleman here is just going along with the normal cost of living increase. So actually he is not getting a pay raise, he is just going along with the normal procedure.

Now what happened here last week, for instance, I stated that at the earlier stages of this session we had a county caucus in refer-

ence to pay increases for our county officials. At that instance we went along almost unanimously not to go along with any pay increases for anyone, the simple reason being at that time that we of York County were not going to be the ones to initiate any kind of a trend in reference to pay increases.

Now here we are down to just the sheriff himself, which is not a part-time job, this is strictly a full-time job; and along with having the regular duties that are shared by other counties, we have, for instance, he is responsible and is called upon many times to patrol, for instance, the beaches of York, Old Orchard Beach, Kennebunk, Wells, Ogunquit, Biddeford Pool, Beechwood, Hills Beach, Fortune's Rocks, Camp Ellis, and many other beaches, that this is a situation the other counties don't have to contend with.

You gentlemen and ladies know what the problem has been during our summer months of late and the threat of riots and student uprisals and everything else. This man has really been unduly tasked, and for this reason I certainly hope that you will go along with this meager increase which would just normally put his pay hike, or maintain it on its present level. I hope you will go along with me and recede and concur with the Senate.

One more thing I would like to say is that the County is on a line budget, so consequently we do have a contingent fund that would more than take care of this small meager increase. As a matter of fact, the contingent fund is some thirty odd thousand, and here I am asking only for a \$700 increase. 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 opposition to the motion made by the gentleman from Biddeford, Mr. Sheltra, and I would hope that ultimately you would go along with the gentleman from Kennebunk, Mr. Crosby to insist.

My reasons are simple, and they were stated by the gentleman from

Biddeford, Mr. Sheltra, that the county delegation met, and the county delegation was very nearly unanimous that there should be no pay raises in the County of York. This is our sole interest in this motion made by Mr. Crosby to insist. It is the County of York only. We feel that we should stand by our guns and not allow any pay increases whatsoever, and I hope that you will go along to reject the motion made by the gentleman from Biddeford to recede and concur.

When the vote is taken, I ask that it be taken by division.

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

Mr. SHELTRA: Mr. Speaker and Members of the House: I concur with my good friend Bill Dennett on the sense that initially we had agreed not to ask for pay increases, but whereas all of the other counties have submitted bills with pay increases, why should the County of York be discriminated against? I hope that you will go along with my motion to recede and concur.

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.

51 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist and request a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act relating to the Purposes and Powers of the Maine Port Authority" (H. P. 1265) (L. D. 1595) which was passed to be engrossed in the House on June 17.

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

In the House: On motion of Mr. Evans of Freedom, the House voted to insist. (Later Reconsidered)

**Messages and Documents**

The following Communication:

THE SENATE OF MAINE  
Augusta

June 20, 1969

Honorable Bertha W. Johnson  
Clerk of the House of Representatives

104th Legislature

Dear Madam Clerk:

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Relating to the Employment of the Handicapped. (S P. 487) (L. D. 1571)

The President has appointed the following members of the Senate to that Committee of Conference:

Senators:

KATZ of Kennebec  
WYMAN of Washington  
MINKOWSKY

of Androscoggin

The Senate has voted to reject the report of the second Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing for a Presidential Preference Primary. (H. P. 516) (L. D. 687)

and has further voted to Insist and join in a third Committee of Conference on that Bill. The President has appointed the following members of the Senate to that Committee of Conference:

Senators:

TANOUS of Penobscot  
DUNN of Oxford  
KELLAM of Cumberland

Respectfully,

(Signed)

JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Orders**

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

Mr. Snow of Caribou presented the following Joint Order and moved its adoption.

WHEREAS, the cities and towns in Maine are presently dependent upon the property tax as the principal source of municipal revenue; and

WHEREAS, this source of revenue is overburdened; and

WHEREAS, the municipal financial crisis is an intergovernmental problem; and

WHEREAS, the cities and towns must look to the State for increased financial assistance; and

WHEREAS, the municipal bloc grant proposal contained in Legislative Document 1498, "AN ACT Establishing a State - Municipal Revenue Sharing Program" may provide a vehicle for strengthening the state-municipal fiscal relationship; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to conduct a study of the equity and funding of all state-municipal revenue sharing programs; and be it further

ORDERED, that the Committee study the impact, equity and funding of Bill, "An Act Establishing a State-Municipal Revenue Sharing Program," House Paper 1174, Legislative Document 1498, introduced at the regular session of the 104th Legislature; and be it further

ORDERED, that the State Bureau of Taxation be directed to furnish such information and assistance as the Committee deems necessary to carry out the purpose of this Order; and be it further

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

(On motion of Mr. Marstaller of Freeport, tabled pending passage and assigned for later in today's session.)

Mr. Temple of Portland presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study current practices and operations of the Casco Bay Lines in respect to scheduling of trips, safety of operation and qualifications of operating personnel, and the inability of the Public Utilities Commission to take any action on the complaints of the island residents in reference thereto; and be it further

ORDERED, that the Public Utilities Commission is directed to provide such information and other needed assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the committee report the results of its study at the next regular session of the Legislature.

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

On motion of Mr. Jalbert of Lewiston, it was

ORDERED, that David P. Jutras of Sanford be appointed to serve as Honorary Page for today.

#### House Reports of Committees Divided Report

Report "A" of the Committee on Appropriations and Financial Affairs, acting in accordance with Joint Order (H. P. 1278) reporting a Bill (H. P. 1281) (L. D. 1608) under title of "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 and Raising Revenue for Funding Thereof" and that it "Ought to pass"

Report was signed by the following members:

Mr. SEWALL of Penobscot  
— of the Senate.  
Messrs. BRAGDON of Perham  
BENSON  
of Southwest Harbor  
SAHAGIAN of Belgrade  
LUND of Augusta  
— of the House.

Report "B" of same Committee reporting that the Bill which was reported by Report "A" (5 members) "Ought not to pass"

Report was signed by the following members:

Messrs. DUNN of Oxford  
DUQUETTE of York  
— of the Senate.  
Messrs. JALBERT of Lewiston  
BIRT of East Millinocket  
MARTIN of Eagle Lake  
— of the House.

Reports were read.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I move that we accept Report "A" of the Appropriations Committee, and possibly because there have been so many people have asked questions regarding this document L. D. 1608 I might attempt to explain possibly what has happened.

I took my document and tore it right in two between page 40 and page 41. I think what is included beyond the bottom of page 40 in your document is an error. It is really a House amendment and should not be any part of this document 1608. I hope that you will accept the Report "A" of the Committee.

The SPEAKER: The Chair would advise the members of the House that there has been a printer's error in this particular document, but it is all right as we have it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would further like to explain my position and possibly the position of some of the others who have signed Report "B". I have no particular quarrel—I know that basically this is a technicality, I am fully aware of that. However, as it comes out, it comes out as a new document, and in that I am taking mild issue with the large package, of the spending of Part II, I would like to see it brought down a little bit. That is not a serious bone of contention with me. However, the part in it which includes the 6% sales tax is what I could not see myself signing. I was told that it was a technicality. It may be a technicality to some, but by the same token the bill has been printed and in it is the 6% sales tax. Realizing that it is a technicality is fine. I cannot see myself voting for this, having signed the Report "B", because had I done so I was endorsing the 6% sales tax proposal which I do not intend to do.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to concur with the remarks made by the gentleman from Lewiston, Mr. Jalbert. I also was not happy because we had no choice about the way the order was drafted, and so the way that the order was drafted it was either report out the bill in this fashion with the amendments that had been adopted at that date, which of course included a 6% sales tax, or report out a bill "ought not to pass." And for that reason, I signed and "ought not to pass" report on the Part II budget. It obviously does not mean that I want to go home. It obviously does not mean that I am opposed to the package, but it means that I am opposed to the 6% sales tax, and for that reason I voted against it when it came out of the committee. Obviously, this morning I will vote on the Report "A" and I would hope that every member of the House would do the same.

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

Mr. HEWES: Mr. Speaker, I would like to pose a question to any member of the committee as to the total value, the total amount that we are talking about. As I add up the two figures on page 21 for the two years, it comes to about \$36,821,000-odd. Then in addition to that there is a section B with some other amounts that I don't know about. I am wondering, is this total something in the range of \$37 million, which would then be a come-down from the \$40 million we were talking about a week or so ago?

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

Mr. JALBERT: Mr. Speaker, in answer to the question from the gentleman from Cape Elizabeth, Mr. Hewes, I know that it is confusing because of the ups and downs of the amendments in the final settlement of the prices on some of the amendments, some of those that didn't get by in the other body. But I think if you take in the area of \$41,500,000 you would be pretty accurate. And if he scratches his head further, I

will take him out back and explain it to him.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that the House accept Report "A". 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. 66 having voted in the affirmative and 43 having voted in the negative, the motion prevailed.

The Bill was given its two several readings and assigned for third reading later in today's session.

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**Third Reader  
Indefinitely Postponed**

Bill "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties" (S. P. 503) (L. D. 1599)

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

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

Mr. CHANDLER: Mr. Speaker and Ladies and Gentlemen of the House: On further study of this measure we find there are serious problems in it. It is my belief that we recognize the problem, but the solution is a little unclear, and that perhaps our best action would be to send this measure to the Legislative Research Committee. I will introduce an order to that effect and to that end I now recommend the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: Does the gentleman so move?

Mr. CHANDLER: I do, sir.

Thereupon, the House voted to indefinitely postpone the Bill in non-concurrence and send up for concurrence.

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**Passed to Be Engrossed**

Bill "An Act Providing for the Uniform Deceptive Trade Practices Act" (H. P. 950) (L. D. 1229)

Was reported by the Committee on Bills in the Third Reading, read

the third time, passed to be engrossed and sent to the Senate.

**Passed to Be Enacted  
Emergency Measure**

An Act relating to State Employees' Suggestion Awards Board (H. P. 208) (L. D. 258)

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. 117 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure  
Tabled Until Later in Today's  
Session**

An Act Appropriating Funds for Military and Naval Children's Home (H. P. 1203) (L. D. 1530)

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. 92 voted in favor of same and 25 against.

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

Mr. BENSON: Mr. Speaker, I request a roll call.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson moves that the vote be taken by the yeas and nays. All in favor of this matter being taken by 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.

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

**Passed to Be Enacted**

An Act relating to the Uniform Disposition of Unclaimed Property Act (S. P. 267) (L. D. 905)

Was reported by the Committee on Engrossed Bills as truly and

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

**Enactor  
Indefinitely Postponed**

An Act relating to Civil Service Commission in City of Auburn (H. P. 1248) (L. D. 1583)

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

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: The House has passed this bill twice, L. D. 1583, and defeated it twice. It received an unfavorable report from the Legal Affairs Committee. I read to the House the other day a letter opposing the bill which was signed by the Mayor and four of the five Auburn City Councillors. I would like now to read to you for the record an editorial which appeared on June 21st, 1969, last Saturday, in the Lewiston Evening Journal which sums up my feelings on this bill. I hate to belabor you people with it but there has been so much feeling about this that I have got to read what an unbiased person apparently has written about in the editorial of the Lewiston Journal.

"As Auburn citizens know, the firemen of the city are seeking to have civil service regulations now covered by municipal ordinance removed from this control and included as a part of the city charter. We trust the Maine Legislature will live up to its own expressed opinion and recognize that a city's decisions on civil service rules covering municipal departments should be made on a 'home rule' basis.

"Auburn's comparatively new charter is uncluttered with a host of trivia. A municipal charter is conceived to cover the broad principles under which a community is administered. It is not supposed to be filled with details, such as height and weight requirements with respect to firemen, policemen and so on.

"If the measure sponsored by Rep. Richard B. Rocheleau of Auburn finally is enacted, it will

mean that any time Auburn desires to make any changes in civil service regulations, the approval of the state legislature will have to be granted. Imagine the reaction of state legislators if the U. S. Congress had before it a bill which would state that requirements for the Maine State Police should be thus and so, and that if any future change were to be made the Congress would have to approve!

"It should be noted that firemen from other communities and union representatives of various fire departments have been lobbying for passage of the Auburn bill. So far the legislature has fallen for this type of pressure. We hope the State Senate and the House has the good sense to reject the bill.

"It is our understanding also that a measure which would superimpose a state decision on Auburn's purchasing procedures currently is being held as a kind of threat against any active opposition on the part of Auburn City Council members to the proposed civil service bill." I hesitate to read this last remark here. "This is politics at its lowest form." And this is in the Journal.

"We ask three questions which we believe have obvious answers. What possible interest should legislators from other parts of the state have in civil service rules that concern a group of Auburn employes? What justification is there for the state to interject material in a municipality's charter that doesn't belong there? What logic is there in the Maine legislature being so eager to please what amounts to a small, minority group in one of the state's largest communities?"

This is all I have got to say on this matter. And ladies and gentlemen of the House, now that this is a proper parliamentary procedure I move that we recede from engrossment and I move the indefinite postponement of this bill.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the motion of

the gentleman from Auburn, Mr. Drigotas. It is true that there was an article in the Lewiston paper recently, although I can't quite agree with the sentiments of the editor. We all know that the editor works for the newspaper, his business is to sell papers and put good news in there. This may not be good news for some of us but I do believe that the intent of the editorial was to sell newspapers. I therefore oppose the motion.

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

Mr. ROCHELEAU: Mr. Speaker, I would ask a division for the indefinite postponement and I would remind the House that last Thursday, June 19, the House voted 77 to 40 on passage of this bill. I would also remind the House that this is a referendum clause and I don't believe an editor of the Lewiston Journal, being one man, and we know of editors before lambasting the Legislature. Therefore I would ask for your support so we pass this bill and send it back to the Senate for referendum. Thank you.

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

Mr. COX: Mr. Speaker and Ladies and Gentlemen of the House: I signed the majority "ought not to pass" report of the Legal Affairs Committee with respect to this bill and I had several reasons for doing so. Persuasive objections were expressed by respectable representatives of the municipality including the fire chief and members of the 1967 Charter Study Committee. This bill is an obvious attempt by one small group of city employees to get preferred treatment by going over the heads of their own city council and city manager. This is especially objectionable where the changes requested would give the firemen an advantage over the police in areas in which they had previously been in parity. I would therefore support the motion to indefinitely postpone.

The SPEAKER: The Chair will order a vote. All in favor of in-

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

A vote of the House was taken. 74 having voted in the affirmative and 47 having voted in the negative, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

#### Orders of the Day

The Chair recognizes the gentleman from Limestone, Mr. Noyes.

Mr. NOYES: Mr. Speaker, I would like to move for reconsideration of item 11, page four.

The SPEAKER: The gentleman from Limestone, Mr. Noyes moves that the House reconsider its action of earlier in the day whereby it voted to insist on a Non-Concurrent Matter, Bill "An Act relating to the Purposes and Powers of the Maine Port Authority," House Paper 1265, L.D. 1595, which was passed to be engrossed in the House on June 17.

The gentleman may proceed.

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

The SPEAKER: The gentleman from Limestone, Mr. Noyes moves that the House reconsider its action whereby it insisted on its former action. All in favor will say yes; those opposed will say no.

A viva voce vote being doubted by the Chair, a vote of the House was taken.

63 having voted in the affirmative and 54 having voted in the negative, the motion to reconsider did prevail.

Mr. Noyes of Limestone then moved that the House recede and concur.

Whereupon, on motion of Mr. Crosby of Kennebunk, tabled pending the motion of Mr. Noyes of Limestone to recede and concur and assigned for later in today's session.

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

MAJORITY REPORT (7) — "Ought to pass" — Committee on State Government on Bill "An Act Conferring Upon Others the Powers Now Vested in the Executive

Council" (H. P. 1052) (L. D. 1418) and MINORITY REPORT (3) reporting "Ought not to pass"

Tabled — June 20, by Mr. Bragdon of Perham.

Pending — Motion of Mr. Benson of Southwest Harbor to accept Majority Report.

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

Mr. DENNETT: Mr. Speaker, in the interest of getting this session on its way and not throwing out any roadblocks, despite the fact that I am unalterably opposed to this bill, I will now move the acceptance of the Majority "Ought to pass" Report.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and assigned for later in today's session.

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

Bill "An Act to Provide Certain State Level Land Use Controls" (S. P. 501) (L. D. 1596) (In Senate, passed to be engrossed as amended by Senate Amendment "A" S-295)

Tabled — June 20, by Mr. Marsteller of Freeport.

Pending — Passage to be engrossed.

Mrs. Cummings of Newport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-581) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: Those of you who have read the bill I think will find that this particular amendment gives the municipalities a little more time in order to put their houses in order and put in the zoning laws which this bill would like to see them make. At this point there are no teeth in any laws that would force any communities to really put in force some of these zoning laws and those of us who have been involved in any of these know how difficult it is to get the towns to do it. This bill would force them by 1972, which is another part of the amendment delaying it one more year,



but by 1972 that they would have had to take some action and make some regulations that would guard the properties that they now have.

I think that it is too bad to have only a hearing as the second part says if they do not, if the municipalities do not form committees and do these zoning laws then the Commission can have a hearing as to why they did not form these zoning laws and then they will come in and take over and that I will admit is rather high-handed and it is mandatory, which is not my way of thinking as something that is good, but at this particular point it is really just something that will force the communities then to do something which they should have done and will in the end I think be to their benefit.

I would hope that you would approve this amendment.

Thereupon, House Amendment "A" was adopted.

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

Mr. BRAGDON: Mr. Speaker, I fully concur with the amendment which has been offered. However I think that this House should take a longer look at this bill. Let's read the first section. "To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety" and so forth "and the general welfare, it is declared to be in the public interest that shoreland areas defined as those land areas any part of which are within 500 feet of the normal high water mark of any navigable pond, lake, river, stream or salt water body be subjected to zoning and subdivision controls . . ." This applies, don't forget, to organized towns. Now over further in the bill, I think the lady from Newport touched upon this point, section 4803 is entitled "Municipal Failure to Accomplish Purposes." Now "If any municipality fails to adopt zoning and subdivision control ordinances," then the Water and Air Environmental Improvement Commission — now I think perhaps I had better read the whole of this so that you will get the full impact of this section. "If these ordinances are not approved by the municipality by June

30, 1971, or if the Water and Air Environmental Improvement Commission determines that particular municipal ordinances because of their laxity and permissiveness fail to accomplish the purposes outlined in section 4801, the Water and Air Environmental Improvement Commission shall, with respect to these areas, adopt suitable ordinances for these municipalities, which ordinances the respective municipalities shall then administer and enforce under the State direction."

In other words, if the organized towns don't see fit to do this, they turn over the power — they submit themselves to the power of this board to do all this zoning.

Now to go back again to what it covers, it says "every navigable pond." Now I understand that the courts of the State have ruled that any navigable pond, lake or stream is a pond that at any time, even at high water you could float a small boat in. This is pretty near all embracing of the streams, the ponds, the rivers in your organized towns.

Now bear in mind that this gets into the area — this puts this up to this board to overrule your organized towns. If they are not friendly to industrial development, they can zone these rivers, these streams, so that you have completely stifled any industrial development which they should not approve of. Do you believe that the citizens of our organized towns in the State of Maine are ready to go along with such a setup as this, to take the authority away from them and give it to the hands of a board that you do not know what their sentiments may be in various areas, and definitely their sentiments are pretty well defined in the areas of restricting certain types of industrial development.

I would hope, for this session at least, that you would indefinitely postpone this bill in its entirety, and I would so move.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that item 2, L. D. 1596, be indefinitely postponed. Is the House ready for the question? All those in favor of indefinite postpone-

ment will say aye; those opposed say no.

A viva voce vote being taken, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

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

Tabled — June 20, by Mr. Levesque of Madawaska.

Pending—Passage to be enacted.

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

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

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

Tabled—June 20, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

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

House Amendment "B" (H-580) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: This matter of apportioning the House of Representatives is causing us great difficulty in view of two cases which were recently decided by the Supreme Court of the United States on April 7, 1969. I have received a letter of advice from the office of the Attorney General that L. D. 1588 in its present constituted form is unconstitutional. My purpose in offering House Amendment "B" is hopefully to overcome the constitutional infirmities that are presently in L. D. 1588. Because this matter is of such great importance to us all and because we all have the desire to carry out our duty in a constitutional manner and to provide the proper standards to guide ourselves and future Legislators in the ap-

portionment of the House, I understand that this matter will be tabled pending the adoption of my amendment so that we may have the opportunity of asking the Justices of the Supreme Judicial Court their opinion on L. D. 1588 as it is presently written, and their opinion upon my proposed House Amendment "B". Thank you, Mr. Speaker.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending adoption of House Amendment "B" and specially assigned for tomorrow.

Mr. Richardson of Cumberland presented the following Joint Order out of order and moved its adoption:

WHEREAS, a Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (House Paper 1256, L. D. 1588) is pending before the 104th Legislature and it is important that the Legislature be informed as to the constitutionality of the proposed Amendment, and,

WHEREAS, House Amendment "B" to a Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (House Paper 1256, L. D. 1588), under filing H-580 has been offered in the House of Representatives and the Resolve has been tabled pending the adoption of the motion to adopt said House Amendment "B", and it is important that the Legislature be informed as to the constitutionality of House Amendment "B" to said Resolve, and,

WHEREAS, it appears to the members of the House of the 104th Legislature that certain provisions of the foregoing Resolve and certain provisions of the foregoing proposed Amendment thereto, present important questions of law and the occasion is a solemn one;

NOW, T H E R E F O R E, be it ORDERED:

That, in accordance with the provisions of the Constitution of this State, the Justices of the Supreme Judicial Court are hereby requested to give this Legislature their opinion on the following questions:

I.

Is the method of apportioning the House of Representatives, set forth in L. D. 1588, constitutional?

II.

Is the method of apportioning the House of Representatives, set forth in House Aemendment "B" to L. D. 1588, constitutional?

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: As the gentleman from Manchester, Mr. Rideout, has just explained to you, the L. D. relating to House apportionment which is on your desks as item one tabled and today assigned and which was just considered by the House is in its form with House Amendment "B" in all probability unconstitutional. This order requests an opinion of the Justices of the Supreme Judicial Court with respect to the constitutionality of House Amendment "B" which has been offered to the bill and the bill now is on the table, as you know, pending the adoption. I would ask therefore that we ultimately adopt this order to the Justices. They are prepared to take this matter under advisement and then we will have a definitive answer to the question which we confront. I understand of course that this must be tabled under the rules.

The SPEAKER: Pursuant to the rules, this matter will be tabled until the next legislative day pending passage.

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

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

Tabled—June 20, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

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

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

Bill "An Act Defining the Powers and Duties of the Water and Air Environmental Improvement Commission and Other State Agencies with Respect to Air Pollution" (S. P. 502) (L. D. 1597) (In Senate, passed to be engrossed)

Tabled—June 20, by Mr. Tyndale of Kennebunkport.

Pending — Passage to be engrossed.

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

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

Bill "An Act Creating a Human Rights Act for Maine" (H. P. 1263) (L. D. 1593)

Tabled—June 20, by Mr. Benson of Southwest Harbor.

Pending — Adoption of House Amendment "A" (H-569)

On motion of Mr. McTeague of Brunswick, tabled pending the adoption of House Amendment "A" and assigned for later in today's session.

(Off Record Remarks)

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

On motion of Mr. Richardson of Cumberland,

Recessed until three o'clock this afternoon.

After Recess

3:00 p.m.

The House was called to order by the Speaker.

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide for the Interception of Wire and Oral Communications" (H. P. 769) (L. D. 1002) the Speaker appointed the following Conferees on the part of the House:

Mrs. PAYSON of Falmouth  
Messrs. LUND of Augusta  
HEWES of Cape Elizabeth

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Revise the Liquor Laws," (H. P. 1224) (L. D. 1556) the Speaker appointed the following Conferees on the part of the House:

Messrs. DENNETT of Kittery  
HICHENS of Eliot  
TANGUAY of Lewiston

On the disagreeing action of the two branches of the Legislature on 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) the Speaker appointed the following Conferees on the part of the House:

Messrs. DENNETT of Kittery  
CROSBY of Kennebunk  
HARRIMAN of Hollis

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

Mr. RIDEOUT: Mr. Speaker, I would ask if the House is in possession of Senate Paper 491, L. D. 1585, Resolve Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years?

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

On motion of the same gentleman, the House reconsidered its action of yesterday whereby it voted to recede and concur.

On further motion of the same gentleman, the House receded from passage to be engrossed and from adoption of House Amendment "B." On further motion of the same gentleman, House Amendment "B" was indefinitely postponed in concurrence.

On further motion of the same gentleman, the House receded from adoption of House Amendment "C."

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

House Amendment "A" to House Amendment "C" (H-585) was read by the Clerk and adopted.

House Amendment "C" as amended by House Amendment "A" thereto was adopted.

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

On motion of Mr. Richardson of Cumberland,

The House recessed for ten minutes or until the sounding of the gong.

#### After Recess

Called to order by the Speaker. The SPEAKER: The Chair will call your attention to Supplement number one.

#### Third Reader

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

Bill "An Act to Authorize the Issuance of Bonds in the Amount of Twenty-one Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways" (S. P. 521) (L. D. 1607)

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

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

#### Third Reader

##### Tabled and Assigned

Bill "An Act Conferring Upon Others the Powers Now Vested in the Executive Council" (H. P. 1052) (L. D. 1418)

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

(On motion of Mr. Richardson of Cumberland, tabled pending pas-

sage to be engrossed and specially assigned for tomorrow.)

**Third Reader**  
**Tabled and Assigned**

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 and Raising Revenue for Funding Thereof" (H. P. 1281) (L. D. 1608)

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

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

House Amendment "A," being L. D. 1609, was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This afternoon, as any other afternoon that we have been in legislative session, we have debated and discussed the possibilities of adjourning the legislative session of the 104th session of the Legislature in somewhat of a responsive and responsible legislature of providing services for the two years of the biennium. During the last several months we have discussed with you the alternatives and the possibilities of funding a supplemental budget. We have had numerous amendments; we have had numerous hours to debate as to what was going to be a logical budget so that we could assume the responsibility of providing services for the people of our State without being too harmful to any given segment of our society.

This afternoon I offer this House Amendment "A" which is a package that comprises a 5% corporate and 5% personal income tax on your federal return. Broken down on percentages if a person is paying presently \$1,000 in federal income tax at the end of the year, under this proposal would be paying \$50 to the people of the State of Maine to provide the supplemental budget. Now granted the discussion or the thought of raising taxes is always somewhat of a monster. This proposal I think comes reasonably close to being as

fair a distribution of taxes to provide for these services.

I think that we are not in a unique position in this state in trying to raise money to pay for services. If you have looked at the newspapers in the last few days or even the last few weeks in the surrounding states in Maine as well as in Vermont, New Hampshire, Connecticut and Massachusetts, they are relatively in the same dilemma as we are. They have had to further increase their taxes to pay for its services. I think the five personal and corporate on the federal return will be a fair tax or as fair a tax as you can put on the people. The people who are making 8, 9, 10 thousand dollars a year might have to pay a few dollars a year to help support the people of our state. The people who are on retirement income, people on Social Security or on basically small incomes at the end of the year of 2, 3, 4 or 5 thousand dollars will pay very little of this package, thereby saving partly the responsibility of paying the services of our state left on the shoulders of those people that are better able to pay for the burden of operation of State government.

And I recognize that there is a burden to try to pay for the services of the people of the state. I hope this afternoon that I can ask for your support in the adoption of this amendment so that we as a Legislature can go home towards the end of this week with having provided services for our people for the next two years and not having to come back in a few months to rehash the whole thing all over again. So I ask your support for the adoption of this amendment purely on the aspect that we may be able to agree that this is a fair package and that the people of Maine will be served for the next two years as we think they should be. Thank you.

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

Mr. ROSS: Mr. Speaker and Members of the House: At this

point I also feel that a moderate income tax is the fairest. We have already increased the sales tax once. We have enacted an auto trade-in tax; we have increased the gas tax; we have increased registrations; we have increased excise taxes. In my opinion this is enough for us to do against the average working person. I shall vote for this amendment. However, if it fails I have enough sense of responsibility to realize that there are certain things that we have to do for our State employees, for our towns, for education and so forth. And then and only then will I be willing to vote for the increase in the sales tax again.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: It is of course an understatement to say that we have all perhaps grown weary of discussion and consideration of so many various tax proposals and of course our friends of the Press to the contrary notwithstanding we did not select these problems to deal with. Had we been left our choice we would perhaps have picked up a few less difficult problems to grapple with and have adjourned ourselves with appropriate blast on the publicity trumpet, telling everyone what a fine job we have done. The 104th Legislature has had to confront an absolutely paralyzing financial demand for continued and new State services. It has had to chop the Governor's proposed new spending programs in half. It has had to consider practically every conceivable kind of tax program.

I move the indefinite postponement of House Amendment "A" and do so for two reasons. First of all, the great majority of the members of my party, and I believe a substantial number of the members of the other party, feel that the 6% sales tax and 2% corporate tax provides the best opportunity to us for the resolution of this problem. Secondly, this income tax geared as it is to the federal income tax gives us no

opportunity to tailor a personal income tax consistent with the peculiar situation and circumstances here in the State of Maine.

If we are going to ever adopt a personal income tax in Maine I believe that we should adopt a personal income tax which takes full advantage of the federal data collecting process, which takes full advantage of the federal enforcement procedures but leaves to us the determination of what exemptions should be granted, how much those exemptions should be and what the maximum amount of tax is to be on certain classes of wage earners. It is for this reason that I find this proposal unacceptable because of what I view inconsistencies in this program and because I feel that the chance of adopting a responsible and meaningful Part II budget rests very clearly on the side of pursuing the amendment or pursuing the program that is already outlined in the L.D. which is L.D. 1608. Thank you.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: May I preface my remarks today with these words: Whatever I say preceding the conclusion of this speech is germane to the issue and would ask your indulgence to hear me on a few suggestions in order to preclude in future sessions of the Legislature such an impasse as we witness today attempting to fund a Part II budget.

Fact number one: We have wasted precious time in January and February in Augusta. Solution: Let the 105th Legislature convene on the first Wednesday of January as directed in our Constitution; then recess for thirty days, leaving the leadership here with other members of the Reference of Bills Committee to assign bills to a reduced number of Committees. In the meantime Legislative Research Office has time to have pending bills printed and ready for Committee hearing in February, March and April. It is not mandatory that each and every bill be heard by a public

audience, notified in the newspapers at great cost to the people of Maine. The specially interested groups can and will learn of their pet bills through the news media.

Fact number two: There is no appropriation without taxation. Solution offered: Whenever department heads make a request for funds before the Appropriations Committee, on that day, in about twenty of them, the Taxation Committee or at least fifty per cent of the members of the Taxation Committee should sit in with the Appropriations Committee to ask questions and give answers concerning the funding of programs initiated or sustained by various department heads. The Taxation Committee, as often said by a respected veteran politician of this state, is not a Tax Exemption Committee.

Fact number three: There are too many exempted or privileged individuals and or agencies in this State as evidenced so clearly last week by a Legislator from Portland who was diligent enough to research this problem and to find in his cavernous diggings the answer to his question, and his question was, "Have we exhausted all the avenues of taxation?"

Representative D'Alfonso, in reading Governor Percival Baxter's Message to the Legislature in 1923, has rendered a distinct service to the members of this House in 1969. We know that there are millions of dollars that could come from the exempted classes if we sat down and examined the record. Thank you, Representative D'Alfonso! I am sure that many of the children that you spoke of will not go to bed hungry if we, as legislators, display one tenth of the initiative, curiosity and courage that you have displayed in the two or three times times that you have addressed us in this session of the 104th Legislature.

Fact number four: Neither party can muster enough votes here today to pass Part II of the budget as an emergency measure. The Majority party can pass by a simple majority a vote favoring a 6 per cent sales tax and a corporate tax of about 2 per cent to become effective 90 days after the adjournment of this session of the Legisla-

ture. This, in my humble opinion, is the height of irresponsibility and would be a true and distinctive disservice to the people of Maine.

A digression is in order at this point, concerning the demerits of a 6 per cent sales tax. I have before me an extract of the opinion of the Sanford merchants regarding this taxation measure sponsored by the Majority party. I quote from the President of the Sanford Merchants Association of Sanford, Maine, Mr. Alphonse LaPierre,

"The 6 per cent Sales Tax, if passed, could well be the 'Kiss of Death' to business in York County and particularly in Sanford. The effects of the present tax have been seriously felt but this will undoubtedly be the last straw. We have one Shopping Center about one half completed and are having tremendous difficulty in getting our Urban Renewal Program off the ground. About all we need now to kill both these projects and to be declared a disaster area is to be hit with an increase in the Sales Tax. We feel it is high time that the business people in border towns receive some little consideration by our legislators in Augusta. We also would recommend that you check the record and note how many states in the country and this includes states much wealthier than the poor little State of Maine are burdened with a 6 per cent Sales Tax. The answer is one." And I will give you the answer, I just found out five minutes ago. It is the State of Pennsylvania with 6 per cent. "We simply cannot afford it."

Ladies and gentlemen of the House, you are all familiar with Longfellow's poem in which he said, "Art is long and time is fleeting . . . and our hearts though stout and brave . . . still like muffled drums are beating, funeral marches to the grave."

To paraphrase this thought I say today: "This session has been long . . . and time is fleeting . . . and our tax proposals though daring and brave, still like all familiar unrealistic proposals are on the way to the grave."

But the non-passing or the blocking of a Part II budget at this time does not spell eternal death and damnation to the people of Maine.

Part I has been funded. Part II can be funded at a later date. Only emergency monies for State employees and interest commitments on bond issues should be funded today or this week. We should adjourn, speak with our constituents and come back in the fall to pass a realistic taxation foundation program to our Part II budget.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think this afternoon before we recess you will have taken action on one part of the budget or no budget at all, which is the prerogative of the members of this House. The motion made by the gentleman from Cumberland, Mr. Richardson to indefinitely postpone House Amendment "A" is a little bit disturbing to me only in this light. That if the amendment is defeated then the present bill contains Part II of the budget and a 6% sales tax.

In the earlier part of the year we passed a Current Services budget, we increased the cigarette tax, we increased the sales tax from four and a half to five, and included the auto trade-in tax on it. The Democrats by action of their caucus on two several occasions last week has indicated to the leadership that under no circumstances will the Democrats in this House support a 6% sales tax, and the action of the caucus was unanimous.

Regardless of what you may have read between the lines in any journals of our state, the 6% tax that will remain on the bill hits exactly these same people that we have talked all winter long that were burdened enough as they were without further increasing their burden; namely, those that are on retired pensions, those that are on Social Security, or these people that are making 3 or 4 or 5 thousand dollars a year and are trying to raise a family.

If the motion to indefinitely postpone carries in this House this afternoon, the alternatives to you will be 6% sales tax. I don't think that this is what the people of the

State of Maine want of us in this Legislature. So again I ask for your support and search your consciences that we may be able to go home towards the end of this week with a Part II budget and funded. And I think the 5% personal and 5% corporate income tax on the federal return is a little bit more acceptable than a 6% sales tax to by far the biggest majority of our people.

So therefore, Mr. Speaker, when the vote is taken on the motion to indefinitely postpone the amendment I request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker and Members of the House: Having been an income tax reporter for the last three sessions I feel that I should get up here and at least state my position. I believe that an income tax is the fairest way of raising money. It is the least regressive to business, it hurts the people who can least afford to pay the least amount of money, and we have gone from a four and a half to a six percent—if we go to six that is a 25% increase on people who have little money to throw away. At the same time we are costing them more in increased sales taxes than an income tax would cost them. An income tax, as I have said before, is least regressive to business and it helps the poor and I shall vote for an income tax.

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

Mr. BERNIER: Mr. Speaker and Members of the House: The 5 and 5 corporate and personal income tax is by far the most equitable tax that has been brought up at this session. Sooner or later you will have to pass an income tax. Rather than come up with all these foolish nuisance taxes that bother everyone, to give the people home more chance to find fault, that gives the Press the great chance to make us look like a bunch of nitwits that don't know what we want, I believe that it is about time that we start thinking of a little



cooperation. We are all Mainers; we all have the same object in mind, the same ultimate motive. Why don't we stop here and think seriously without emotion and in all fairness? Let's think of the small people and not tax them to death. We are elected really by the small people, the people who sent you here, and if you go to the 6—2, there again you are taxing even the ones who do not make any money. You are taxing the ones that you give money to in the Health and Welfare Department. Every time they go to the store to make a purchase they are automatically paying back some of the money which they surely cannot afford to do.

Now I ask you in all earnestness and in compassion. Think of the poor people, not of yourself. It is true some of you people here will probably have to pay more if there is an income tax; I know I will, but it is really so very little. As Mr. Levesque was saying just a few minutes ago even if you do have to pay \$50 a year more on a personal income tax, what does that amount to? Really it is only a dollar a week taken out of your pay; you will never notice it, and you will be helping the poor man. I ask you, I plead with you to please have a little common sense, a little cooperation. Let's all get together here and do a good job. Let's go home and have it all over and done within two or three days. I ask you to please vote against the motion of the gentleman from Cumberland, Mr. Richardson. Vote "no" against the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque 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 Cumberland, Mr. Richardson that House Amendment "A" be indefinitely postponed. If you are in favor of the motion for 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, Beenson, Berman, Birt, Bradgon, Buckley, Bunker, Carter, Clark, H. G.; Cote, Couture, Crommett, Crosby, Cummings, Dennett, Donaghy, Dudley, Durgin, Dyar, Emery, Erickson, Evans, Finemore, Foster, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Jalbert, Kelleher, Kelley, K. F.; Lee, LePage, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marsteller, McNally, Meisner, Millet, Moreshead, Mosher, Norris, Noyes, Page, Payson, Porter, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Sahagian, Scott, G. W.; Shaw, Sheltra, Snow, Stillings, Susi, Thompson, Trask, Tynedale, White, Wight, Williams.

NAY — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Brown, Burnham, Carey, Carrier, Casey, Chandler, Chick, Clark, C. H.; Coffey, Corson, Cottrell, Cox, Croteau, Curtis, Dam, Driogotas, Eustis, Farnham, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Harriman, Heselton, Hunter, Jameson, Johnston, Jutras, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, Levesque, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Ouellette, Pratt, Rochelneau, Ross, Santoro, Scott, C. F.; Tanguay, Temple, Vincent, Watson, Waxman, Wheeler, Wood.

ABSENT — Curran, Cushing, D'Alfonso, Danton, Kelley, R. P.; Nadeau, Quimby, Soulas, Starbird.

Yes, 77; No, 64; Absent, 9.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-four in the negative, the motion to indefinitely postpone House Amendment "A" does prevail.

The pending question is this bill's passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House. Some weeks ago I decided as an individual that I would support any reasonable or responsible tax program to fund what I thought was responsible and reasonable Part II budget. I believe that the time has come for us to take that action. Mr. Speaker, I move the engrossment of this bill and when the vote is taken I would request the yeas and nays.

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

Mr. FORTIER: Mr. Speaker, I would like to respectfully request that this item lie on the table until quarter to five.

The SPEAKER: The gentleman from Waterville, Mr. Fortier moves that this matter be tabled until later in today's session.

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

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

A vote of the House was taken. 22 having voted in the affirmative and 115 having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I did not speak on the last measure before us. Insofar as the engrossment of this measure is concerned, I shall vote against it as I stated I would vote against both the sales tax and a personal income tax at this session. I am in no way making this move in any way being an obstructionist. I don't think we have covered all of the areas. I shall make no motion on this measure because I think it ought to have its complete fair run. I think there is ample time when it fails of having its complete passage, final passage, that we will then get at another program which would be a little bit lower than the

present \$41.5 million and another program to fund this situation.

Should, however, when this fails to get 100 votes the move be made to take from it the emergency because of the failure to get 101 votes — I do not threaten, I promise that the ink would not be dry in this being signed into law then I would start initiation of a referendum to place this measure before the people. I don't think that we can honestly go from 4½ to 5%, throw in a trade-in, throw in two cents on cigarettes and throw in a personal income tax and then throw in—or a 6% sales tax and expect that we have done our job.

While I am on my feet, Mr. Speaker and members of the House, I might say that as far as I am concerned I too read with some kind of amusement the many articles that were in the newspapers yesterday, several of them in fact, and the only thing that I can say on that is just remember the old adage it is the opinion of one man. I have saved my copy; I am not buying 99 others.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As I indicated in my previous remarks the 6% sales tax in this document to me is totally and completely unfair, unreasonable and last but not least totally unacceptable. It is in my humble estimation that this is, in reversing psychology that was used a few weeks ago, robbing the poor to pay the rich. If this is the feeling of the people of the State of Maine that we should impose an additional cent on the sales tax after we have already increased it in the Current Services budget, I don't think that the people of Maine appreciate us to any great extent as it is now to the tune that we have been here for six months, have passed some good legislation, but as I see it now and if I read the mood of the members of the House, that we may very well be going home at the end of this week or next without having completed our responsibility.

I have tried to compromise in every effort that we have made

during this session of the Legislature in trying to be fair and compromising. But there is one limit to a compromise. When you start with ten, and you compromise nine and you have only got one left, what do you hold? You hold nothing. So out of ten I compromised nine and on this one, never, because I don't think that the people of the State of Maine that are making 3 or \$4,000 a year can afford to pay this additional cent in the sales tax. And if they could holler loud and clear I am sure that they would holler just as loud and just as clear as the poor little widow that has got a couple of hundred thousand dollars in her portfolio and cannot afford to pay a 6 cent sales tax on intangibles. Those are the kind of poor that have got a couple of hundred thousand dollar portfolio that will holler loud and clear that they cannot afford a 6% tax but yet will turn around and charge these people that are trying to raise a family on three or four thousand dollars a year. That I can't swallow.

So I hope that when the vote is taken on the acceptance of this package to be engrossed that what you vote today will be your indication as to what you will do when it comes up for final enactment, and that will take 101 members of the House. So this afternoon the process is now being studied as to how much arm twisting will be done or even neck breaking will be done in order to get that 101 votes. In my estimation it will never reach 101. If it is presented to the public on a majority vote you can very well assume what the answer is going to be. As indicated by the gentleman from Lewiston, Mr. Jalbert, the issue will come up in a referendum. Thank you.

The SPEAKER: The pending question is the engrossment of L. D. 1608. The gentleman from Cumberland, Mr. R i c h a r d s o n 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 engrossment of Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 and Raising Revenue for Funding Thereof," House Paper 1281, L. D. 1608. If you are in favor of this Bill being passed to be engrossed 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, Chick, Corson, Crosby, Cummings, Curtis, Dennett, Donaghy, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Foster, Good, Hall, Hardy, Haskell, H a w k e n s, Heselton, Hewes, Hichens, Huber, Johnston, Kelley, K. F.; Lawry, Lee, Leibowitz, Lewin, Lewis, Lund, MacPhail, Marstaller, Meisner, Millett, Moreshead, Mosher, Norris, Noyes Payson, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Tyndale, White, Williams, Wood.

NAY — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chandler, Clark, C. H.; Clark, H. G.; Coffey, Cote, Cottrell, Couture, Cox, Crommett, Croteau, D'Alfonso, Dam, Drigotas, Dudley, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hanson, Harriman, Henley, Hunter, Immonen, Jalbert, Jameson, Jutras, Kelleher, Keyte, Kilroy, Laberge, Lebel, LePage, Levesque, Lincoln, Marquis, Martin, McKinnon, McNally, McTeague, Mills, Mitchell, Morgan, Ouellette, Page, Porter, Pratt, Rand, Ricker, Rocheleau, Santoro, Sheltra, Tanguay, Temple, Trask,

Vincent, Watson, Waxman, Wheeler, Wight.

ABSENT — Curran, Cushing, Danton, Kelley, R. P.; Nadeau, Quimby, Soulas, Starbird.

Yes, 65; No, 77; Absent, 8.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-seven in the negative, the Bill fails of engrossment.

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

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

The SPEAKER: The Chair would advise the gentleman that he should move to reconsider and then table his motion; otherwise this will go to the Senate failing engrossment.

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby this Bill failed of passage to be engrossed.

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

The following papers from the Senate, appearing on Supplement number two, were taken up out of order by unanimous consent.

#### Divided Report

Report "A" of the Committee on Taxation on Bill "An Act relating to Property Tax Administration" (S. P. 392) (L. D. 1340) reporting same in a new draft (S. P. 515) (L. D. 1604) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. MARTIN of Piscataquis  
— of the Senate.

Mr. SUSI of Pittsfield

Mrs. WHITE of Guilford

Messrs. DRIGOTAS of Auburn

ROSS of Bath

— of the House.

Report "B" of same Committee on same Bill reporting same in a new draft (S. P. 516) (L. D. 1602) under title of "An Act relating to Property Tax Appeals and Providing for Voluntary Assessment Districts" and that it "Ought to pass"

Report was signed by the follow-

ing members:

Mr. WYMAN of Washington

— of the Senate.

Messrs. FORTIER of Rumford

COTTRELL of Portland

— of the House,

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

Report was signed by the following members:

Mr. HANSON of Kennebec

— of the Senate.

Mr. HARRIMAN of Hollis

— of the House.

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

In the House: Reports were read.

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

Mr. SUSI: Mr. Speaker, I move that we accept Report "A" and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi moves that the House accept Report "A." The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Members of the House: As you can tell from the title of this bill it is an Act relating to Property Tax Administration here in Maine. Some forty pages, it is quite complex. I think that probably every one of us here are aware generally of the problems that we have in the area of property tax administration here in the State of Maine.

I personally feel and feel very strongly that it is a real problem area in taxation in Maine right at the present time due mainly to the fact that we are trying to raise so much money with our property taxes. But beyond that there is a real problem in the inequities that we have in the administration of the property tax here in Maine, mainly in the area of assessing. These problems stretch throughout the length and breadth of the State of Maine and they have become practically a scandal, in some areas the differentials that exist between the assessment of certain properties and the assessment of other properties which under the law should be assessed equitably.

It is extremely unfortunate that this bill, which as I said before is complex, is coming before us on June 23 when we are talking about adjourning in two or three days. I know that there are objections to various features of this bill. Given time, I believe that these objections could have been worked out and we could have made a real step forward toward more equitable property tax administration here in the State of Maine.

In the light of the facts as they actually are, there is a serious question whether we can during the time that is left to us here get this bill into shape so that it will be acceptable to the majority of us. I certainly would hope so because I believe that there is a real need for effort in this direction. Leaving it at this I hope that you will support the "ought to pass" and give those who do have amendments to offer on the bill an opportunity to amend it and discuss it hopefully leading to some successful action on it. Thank you.

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

Mr. FORTIER: Mr. Speaker and Members of the House: It is with the greatest reluctance that I must oppose the acceptance of this bill. I think that I have expressed my sentiment in favor of district assessments before. I am wholly in accord with the principle and I am wholly in accord with what Mr. Susi says, that if we were given the time we no doubt could work out a solution. But this bill has so many faults, so many loopholes, that I believe that in the hope of trying to remedy a difficult situation in our municipal assessments we would simply be jumping off the deep end of the bridge and getting into more trouble than we are now.

There are some good things to the bill. The principal, as I said, I am wholly in accord with. The board of appeals which it would establish I believe would certainly be a step in the right direction, but there are other deficiencies in the bill which in my estimation more than offset it. For example, the bill requires that by

the year 1972 no municipality would be allowed to hire an assessor unless he was approved by the State Bureau of Taxation. Now as of now I don't believe there would be enough assessors for that in the entire United States, to say nothing about the State of Maine. They just cannot be found.

We have already seen the situation where assessors are working for 4 and \$5,000 a year in some municipality and then hired by other municipalities at ten and twelve thousand dollars. What would happen? The State would have to establish a basis of accreditation which would be low enough to be able to find enough people. Consequently the municipalities would be forced to hire people, who probably are no more competent than what they already have, at a tremendously higher salary.

Another feature of the bill is that the cost is established at 1½% of the municipal commitment. Now I cannot imagine by any stretch of the imagination that we can have an equal cost when you take an industrial town like Rumford, a commercial city like Portland or an agricultural center like you might find in Aroostook County. I believe that these would have to be judged individually on the situation found in their respective areas and cannot be legislated in one block.

The Executive Committee established in each one of these sections also seems very inequitable to me. I can presume or imagine an area in my district for example whereby the Town of Rumford would not have any representation on the Executive Committee for as long as six or seven years. Rumford is not alone in that predicament. I could name dozens and dozens of towns throughout the state that would be in exactly the same situation. Now in Rumford in the past thirteen years we have spent close to a hundred thousand dollars to organize our assessment system. There are other cities and towns that have also done a very good job. We could mention the cities

of Brunswick, Portland, Bangor, Lewiston, Auburn and others.

Now these cities and towns would simply be forced to assume the cost of the reassessment in localities that were not willing to spend the money themselves. In other words, if you have done well in the past you would be penalized and told that as long as you had paid your share now you had to turn around and pay the share of other municipalities. I do believe that we should have assessment districts. Eventually we have got to go to professional assessments but I believe that the faults in this bill would give us more trouble than even the present inefficiencies in our present assessment.

And I hope that you will vote against the motion.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker, Ladies and Gentlemen of the House: As the lone signer in the House of Report "C" I would like to state my position on many of the reasons which have been given by Representative Susi, Representative Fortier plus others, namely, that we didn't get this bill until a week ago Wednesday in its final form. There isn't time to study it I don't believe when we are this far along in the Legislature. There is a cost of about a million and a half dollars. There is a question in my mind whether or not we are going to pass legislation making the small towns pay for the sins of the city. For that reason I am against passage at this time although I think the bill is worthy of study and it has a lot of good points.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I didn't hear the earlier debate on this; however, I have been somewhat concerned by the fact that apparently we do not provide any money in this bill to put it in operation. I have over the years strenuously objected to one ses-

sion of the Legislature coming up with an expensive proposition like this and not being willing to provide the funds to put it into effect.

I have here a communication from the Taxation Department calling attention to the fact that this bill would not be workable unless we provide at this session some \$600,000 in new funds. This is the state cost. I am also assured that once we put this bill into effect that the cost both to the state and to the local taxing units is going to run at various estimates, but it is estimated that it will cost from one to two percent of our total local tax revenue. This gets to be somewhat ridiculous to me.

I certainly hope that we are not of a mind to pass legislation of this kind unless we are ready to provide the money to put it into effect. I certainly hope that the next Legislature would not be justified in accusing us of any such an irresponsible act as that.

I assume the motion before the House is to accept Report "A". Well, I guess I will move that the bill be indefinitely postponed.

The SPEAKER: The gentleman from Perham, Mr. Bragdon moves that all Reports and Bill be indefinitely postponed.

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

Mr. SUSI: Mr. Speaker and Members of the House: I won't be making any long speeches on this. Again, I do feel, and I think there are many of you who feel that there is a serious problem in property tax administration here in the State of Maine. It has been recognized over a long period of time.

The Bureau of Public Administration with people trained in this field have worked, we will appropriate money for them to conduct this work. The estimate has been given to me that there has been about \$50,000 expended in attempting to reach a solution on this, and the product of this effort is the bill which is before you today. There is no sign that these problems are going to leave us. We hear it at home probably a lot more than we hear of the problems of state finance and taxation. And I think

that the public is looking for us to make some motion in the direction of attempting to meet the problems of property tax administration, and this is the only vehicle that we have before us to meet this need. So I would suggest that you give careful consideration before you vote for indefinite postponement. Personally, I hope that you vote against it. Thank you.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I hope you are as thoroughly confused by now as I am. I will support Representative Bragdon's motion.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I will probably confuse the gentleman even more, but I am going to give it a try. I frankly, ladies and gentlemen of the House, I am a little bit concerned by the motion made by the gentleman from Perham, Mr. Bragdon, for this reason. If you as members of the House remember the agony and the time that we spent when we enacted L. D. 1379, the bill giving additional funds to school administrative districts and communities across the state for education because of the recent state valuation changes that had been made by the Bureau of Taxation, and the reason for these changes were because of the local inability for the assessors to handle the valuation locally. I frankly am going to change my remarks a little bit from as versus A, B or C, but rather than go into detail and to either A or B, I would think it extremely unjust and unwise for us at this time to indefinitely postpone this document now before us.

As you well know, at the present time, the most inequitable method of taxation that we have in the State of Maine is the local property taxes as they are assessed upon your property and my property. And if you remember at that time when we debated the education subsidy, the one thing that we always came back to was the inefficiency of the local assessors to

really get to where the money was as far as the property and the amount of property and the value of property locally. Now if you assume that that reason is still valid today, I would certainly hope that you would vote against the motion made by the gentleman from Perham, Mr. Bragdon.

Now I know that it is late in the session, I am aware that there are three reports before us, but I think it would be really important for us not to kill this at this time. Because if we want to do anything in the State of Maine about property taxation, then this is the way to do it.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I concur with the remarks of the gentleman from Pittsfield, Mr. Susi and the gentleman from Eagle Lake, Mr. Martin. As Mr. Susi has stated, this is an outgrowth of a good many hours of study, a good many hours of study by people knowledgeable in the tax field. I feel it is unwise to indefinitely postpone it. I think we do want some reform in our tax measures and assessment. I hope that we will not indefinitely postpone this.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: Last week I read to you some figures of the variations in the taxes and changes made in the taxes by the State Tax Assessors office, not from local tax assessors. If there is that much variation and that much lack of reliability in the Tax Assessors office, I can't see how we can do very well using that for a base of operations. These same people are evidently not qualified for their job, and I would go along with Mr. Bragdon with indefinite postponement. Perhaps in the next couple of years we can do something different.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would take a mild exception to the last speaker. I would comment very briefly that two years will be two

years later and two years too late. In my humble opinion I would commend the sponsors of this legislation. I think this is one of the most forthright pieces of legislation introduced at this session. I think that it is high time that we go to work and do the job that we should do. In my very humble opinion I feel that we cannot really go into a program of true relief to taxpayers until such time as the towns themselves and the cities have reevaluated and go through a real property tax program. And certainly I concur with the gentleman from Pittsfield, Mr. Susi and the gentleman from Eagle Lake, Mr. Martin and sincerely hope that the motion to indefinitely postpone will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: It has been stated that this valuation that the state did last fall in the districts had something to do with the way the assessors assessed in the town, and it did not. It was based entirely on the state valuation, had nothing to do with the way the assessors assessed the towns for the districts. And if the State are not valuing properly, that is up to them. I object very much to this bill. It has taken the authority that the towns have and put it in another department, another bureau here in Augusta, and as they stated it is going to cost over a million dollars. I think that if half that money or even one tenth of that money was spent on trying to teach men in the different towns to value properly, they could do it. But instead of that, they make a study and spend the money for it and what does it amount to? Nothing. And when the vote is taken, I ask for a division and I hope you all vote against this bill.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I agree with Mr. Fortier and Mr. Bragdon very much because I believe if the assessors of these towns would read the Assessors' Manual they could do a much

better job. And I don't believe it is necessary that each town or city should be able to take care of its own without the rest of the towns going along with them.

In answer to the gentleman from Eagle Lake, Mr. Martin, I would like to say, I am wondering if the change would be made under the same system as was used in the last state valuation. If so, look out in the small towns for a real miscarriage of valuation on the selling price of a few pieces of choice property which was all the use because when they were making this final valuation of state property they went to the registrar of deeds and picked out a few pieces of property that had sold for more than they were on the town books because they were a choice piece of property, or a piece of property that some corporation or individual wanted in the worst way. And that is the way they set up a valuation which I hope they never get a chance to do again.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I don't believe there is anyone in this House that deplores the situation of our municipal assessments any more than I do and I think I have a right to speak with at least some degree of authority on that point. But I would simply like to remind you that because a thing is bad, let us not go off with the idea that any change is a good change. You know we could go from bad to worse, and I feel that this is exactly what we would be doing in this bill.

Now somebody has made the comment that we should at least make a start. I, if given the opportunity, will vote for L. D. 1602 or the Report "B" on this report, not because I believe it will do a great deal, but it will help some few small municipalities to get together and do the job which they could not afford to do otherwise. At least it is a declaration of intention, a declaration of policy on the part of this House, and it would show the people that we are aware of the problem and would like to do something about it.



Again, I deplore the fact that this was not brought on the Floor in February instead of June, but I certainly hope that you will support the motion of Mr. Bragdon.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to support this bill. In the first place I think it is a very good bill. And I support it even though there may be some things or areas wrong with the bill now. I think that we still should allow this bill to be heard and have its readings and then if the amendments cannot be offered in time, there is still ample time for those who want to indefinitely postpone the bill to do so. But at least I think we should allow the bill to have its readings so that some amendments can be offered and maybe clear up the bad parts of it so they will be acceptable to everyone here.

Mr. Susi of Pittsfield was granted permission to speak a third time.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I am defending this bill so extravagantly here that you may be getting the impression that I have been victimized by the assessors at home. I would hope that you would have enough respect for me as a politician not to believe that. It isn't so. I feel that I have been dealt with very fairly at home so far as I am personally concerned. But I am also convinced that there isn't any easy way to resolve the inequities of our property tax administration.

I believe the amount of money that we are raising here in Maine, if I remember correctly, is \$300 million for the property tax. And when you go about this job loosely, you are hurting a lot of people, and you are granting unfair treatment favorably to many people. Now I don't think you are going to do it easily with a little slight change. This is a big problem and it is going to require a real effort to straighten it out.

Now so far as just training some local assessors to do a little better job, there have been training ses-

sions for local assessors for as long as I can remember scattered all throughout the State. From what I learn there are some of the more conscientious assessors who have held their jobs perhaps for several years and gotten quite interested in the field who have done quite a good job through attending these sessions. But this method has been in effect for a number of years and hasn't at all met the needs. So I hope that you would again vote against indefinite postponement. Thank you.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to concur with the gentleman from Hollis, Mr. Harriman. I think he so eloquently stated the facts as they are. I assessed taxes for some twenty years, I attended the schools that the state had nearly every year. The only thing they stressed at those meetings was up your valuation, up your valuation, give it to 'em kid, and this was the only thing they said year after year when you meet.

Now I tell you that I don't want more centralized government and this would be another step towards centralized government. They want a chance where they can have more dictation to the towns and we had an example of that in their revaluation as the men have told you from down on the coast. Now in the town where I live we had a very few transactions. They used these transactions in the county courthouse and they used that as the method of value in the town, only the choice property around the lake was sold. They evaluated the whole town on that same basis. I am sure that if they do this in other places the local people can do a much better job than this type of a thing and also we have got to consider that this costs a lot of money and we don't have any and it don't look like we was going to in view of the vote we took here just a few minutes ago. So in view of that I wholeheartedly support or I ask the House to support the motion of the gentleman from Perham, Mr. Bragdon. Thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: When I spoke before I forgot one point that I intended to call to the attention of the group. If we set up, as this bill calls for, a completely new taxation group — this calls for thirty-one people in the first year of the biennium and forty-two people in the second year of the biennium, if I read it correctly, or I guess some of these perhaps would be transferred from the Taxation Department so we could except maybe the seventeen and the twenty-eight new people.

I am fearful that many of these people are going to be chosen to do this job because perhaps they have taken a course in some institution of higher learning where they would presumably have been instructed how in the arts of valuing property. I am one of those who feel that a few or many years experience can very well supplement that type of knowledge that a group like this might have. When we consider also something like this, we must consider that this group automatically is going to be led to the conclusion that the valuation of the piece of property in one part of the state is the same regardless of where it is located. Our local assessors, our locally selected people, know of these differences. Certainly a certain piece of real estate located in Cumberland County might be worth a whole lot more than as if it was located in Aroostook County.

I feel that a group oriented in this statewide valuation have the opportunity of making a whole lot of mistakes and making a whole lot of people awful mad if we go into this. Maybe it is something that is going to be necessary, but again, I ask you to give it very serious consideration before you vote.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Like the gentleman from Pittsfield, Mr. Susi I own one

very small piece of property in my home community, which I am not unhappy about the size of taxation that I am paying on it. But this does not mean that I am happy with the way that property taxes are being assessed.

It was pointed out that yearly we have sessions for assessors. I am going to use Aroostook County for a basis of comparison and I even have to guess at the number of communities within — and plantations, within Aroostook, but I will assume that it is forty or fifty. And that we have therefore on that basis 150 assessors. Last year when the Maine Municipal Association and the University of Maine participated in Presque Isle at a session in an attempt to teach new assessors the methods of assessing property, people who had never had any information, any education, any courses, any training in assessing work — if I am not wrong in the figure that I have, it seems to me it was in the vicinity of eight new assessors who showed up and yet we had roughly 60 or 70 new assessors within the county, and we can just translate this statewide to the 450 communities that we have in this state.

Even if this bill were to be passed the local municipal officers would have every right that they presently have before them. The additional thing that they would have would be the valuation of the property, for every piece of property in your community, and then they would set the tax rate as they do now based on a valuation which would be fair and it would be equitable with everyone in your own community. I know that I have spoken to you before within your own community of many instances where, for example, you say the guy next door has better property than I have and yet he is not paying more because he happens to have a brother on the board of assessors. And then your next question should probably be, how can I get my brother elected to the board of assessors so my taxes can go down?

You know the argument about a new department reminds me somewhat, I am sure, of the same argu-

ments that were probably used when the State Highway Commission was created, and there is no question in my mind today that we have better roads in the State than we had in 1910.

Perhaps I shouldn't even read this into the record, but I will. I am going to quote from a small pamphlet that I have before me and it says, "We acknowledge the unfair burden placed upon part-time assessors and selectmen and the inconsistencies inherent in establishing assessment practices. We shall promote the establishment of qualified tax assessors on a district basis to provide equitable and consistent assessment of property taxes, of property for tax purposes."

You may think that I am quoting from the Democratic Platform—I am not, I don't have it before me. I am quoting verbatim from the Republican Platform of last year. It is also in the Democratic Platform. It was a goal of the political parties, it was the goal of the Governor, and it was a goal of the group of citizens who worked for the past three years in trying to arrive at a method of property assessment that would be workable, and so I hope that you will endorse the Republican Platform and the Democratic Platform.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: In an issue such as this that merits the debate of every individual that has had some acquaintances with the present form of municipal assessing, I think if you will look at your own individual localities it has been indicated time and time again that there are not only inequities but there are gross inequities within the system; although, as was indicated by a previous speaker, that this is not a perfect document. I don't think that any document of this magnitude, that will affect the property owners of our State in its entirety, could never be made perfect and salable to a legislature, at least to this present legislature.

However, I think we have to make a step and as was indicated

in previous session of the legislature, before we start to run or walk we have got to crawl awhile before we find out that we could walk with something that could be beneficial. I think this is this type of legislation, that by the time we are able to acquire a reasonable amount of qualified assessors, we will have recognized assessors, we they are at fault in this bill. By then we will also be able to take additional measures to make sure that they are in proper form as we go along and as we make progress in this type of assessing, because as was indicated this is a very complex piece of legislation and the people of our State have had these inequities before them for so long that I think we should try to make it a little bit closer to reality by at least passing something that will give us a chance to work from and then amend the law to comply with the areas, to comply with the availability of assessors that can do a job for us.

First we must start. From this start then we can continue the race to try to prevent inequities in our present municipal system. This is a prime goal that we as legislators should start now and do something. After that we will find the faults and correct the faults as we acquire qualified assessors. Thank you.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I mentioned something else I was speaking about some time ago, that I was disappointed that several of these things that I had hoped to accomplish when I came down here had completely gone by the board. One of them was tax reforms. Now whether this bill is the answer or not is perhaps something we should find out but the gentleman from Madawaska, Mr. Levesque mentioned one of the exact words that I was going to say, before we can walk we have to crawl.

The country has been crying out for tax reforms—for years. Should we put it off any farther before we start doing something? Believe

it or not I attended the University of Maine last summer for three days—I didn't get kicked out but it was a very interesting conference on property taxation. It was attended by too few legislators. I realize that possibly in a good many cases that—I couldn't have afforded to if I hadn't had some financial help, it was quite expensive; but while I was there the chief of the Taxation Division of Nova Scotia put in several times there. I believe his name was McCannon and I have at home a copy of his whole treatise on assessment districts. I believe it was fourteen years ago that Nova Scotia went through the pangs of changing over to assessment districts. And if you can take the figures that he proposes, it has been a great success.

I don't know whether we can cite a comparison with the State of Maine or not, but we do know, as Mr. Susi has stated, that there are inequities in assessment policies throughout the State. It seems to me that there could be some way of establishing policies of assessment which would do away with a lot of those inequities. We all know of inequities and difference in assessment policies in adjoining towns even. I feel that there are probably many problems to be solved in such a bill as this—I haven't been able to go all the way through it, and I have forgotten a lot of the stuff that we learned and put down in notebooks last summer up there in Orono, but nevertheless it was the general almost unanimous opinion of the conference there, which was attended by town and city officials, assessors, part time and some full time, from all over the State, and they were all apparently in agreement that something had to be done in the matter of tax reform and that looked like the best step to take.

So I would say that we should keep this bill alive and look it over for a couple of days, we will be here for two or three days—that's for sure—and possible if there are any bad points they can be amended out of it.

The SPEAKER: The pending question is the motion of the gentleman from Perham, Mr. Bragdon that all Reports and Bill be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 58 voted in the affirmative and 64 voted in the negative.

Whereupon, Mr. Evans of Freedom requested that the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Freedom, Mr. Evans, requests that the vote 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Perham, Mr. Bragdon, that all three Reports and Bill "An Act relating to Property Tax Administration," Senate Paper 392, L.D. 1340, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA—Allen, Barnes, Birt, Bragdon, Brown, Buckley, Carrier, Casey, Chick, Clark, C. H.; Clark, H. G.; Cote, Crosby, Curtis, Dennett, Donaghy, Dudley, Durgin, Dyar, Evans, Farnham, Finemore, Fortier, A. J.; Foster, Fraser, Gilbert, Hall, Hanson, Hardy, Harri-man, Hawken, Hichens, Huber, Hunter, Immonen, Johnson, Jutras, Kelleher, Kelley, K. F.; Lee, Lincoln, MacPhail, Marstaller, McKinnon, McNally, Meisner, Millett, Mills, Moreshead, Mosher, Nadeau, Noyes, Page, Porter, Pratt, Rand, Richardson, G. A.; Sahagian, Scott, G. W.; Shaw, Snow, Stillings, Temple, Thompson, Trask, Tyndale, Williams.

NAY — Baker, Bedard, Benson, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Bunker, Burnham, Carey, Carter, Chandler, Coffey, Corson, Cottrell, Cox, Crommett, Croteau, D'Alfonso, Dam, Drigotas, Eustis, Faucher, Fecteau, Fortier, M.; Gauthier, Haskell, Henley, Heselton, Hewes, Jalbert, Jameson, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lewis, Lund, Marquis, Martin, McTeague, Mitchell, Morgan, Norris, Payson, Richardson, H. L.; Rideout, Ross, Santoro, Scott, C. F.; Susi, Vincent, Watson, Waxman, Wheeler, White.

ABSENT — Couture, Cummings, Curran, Cushing, Danton, Emery, Erickson, Giroux, Good, Kelley, R. P.; Ouellette, Quimby, Ricker, Rocheleau, Sheltra, Soulas, Starbird, Tanguay, Wight, Wood.

Yes, 67; No, 63; Absent, 20.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-three in the negative, the motion to indefinitely postpone all Reports and Bill does prevail.

The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, I now move for reconsideration and I hope you all vote against me.

The SPEAKER: The gentleman from Freedom, Mr. Evans moves that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor say yes; those opposed say no.

A viva voce vote was taken.

The SPEAKER: The Chair will order a vote.

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

Mr. MARTIN: Mr. Speaker, I move that this be tabled until tomorrow.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin moves that the reconsideration motion be tabled until tomorrow.

Whereupon, Mr. Evans of Freedom requested a vote on the tabling motion.

The SPEAKER: The gentleman from Freedom, Mr. Evans moves that a vote be taken on the tabling motion. All in favor of the reconsideration motion being tabled until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

57 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is reconsideration.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Obviously what I am going to say may not have any effect on the vote but it would seem to me that it is up to us to do something to correct the inequities that we have in the property taxes which so many of you and so many of us have complained for so long, for six months that we have been here, and so I would certainly hope that we would reconsider and, Mr. Speaker, when the vote is taken I request it be taken by the yeas and nays.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: We have heard mention made of the very great change in State valuation which was the basis of argument about school subsidy and I would wholeheartedly concur and agree. On the other hand I would submit to this House that this change in valuation was extremely arbitrary, it was done by two men, and you cannot tell me that two men can check 495 towns in the State of Maine in two years and come up with an accurate valuation.

Mr. Ledew appeared before the Education Committee and could not justify all of the changes which were made. He did point out that there were only six requests for change; one was increased, four no changes were made, one, a decrease. When he was asked specifically if he felt that most towns felt it was useless to apply for a hearing, he said yes.

One of the things that scares me a little bit, we heard the mention of \$600,000 for a State appropriation. We also heard the figure of one per cent of the \$300 million or possibly two per cent of the \$300 million which the State assessors in taxes as this bill costing. Frankly, this would mean that the towns are going to absorb \$2.4 million; or if

you have it the other way, \$5.4 million. And I frankly do not think we would gain enough in taxation from this measure to begin to pay the cost.

Two years ago we authorized the City of Bath to hire an out of country assessor on a full time basis. And I would submit that if the City of Bath has to have a full time basis that even the number of people that Mr. Bragdon mentioned as aiding and helping the State tax assessor wouldn't even begin to scratch the surface. We would have to have many many more and the cost would skyrocket. I therefore would certainly hope that we would vote to sustain the indefinite postponement.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Using the figures that were given today by both the gentleman from Perham, Mr. Bragdon and the figures given to us by the gentleman from Pittsfield, Mr. Susi, if it is true that we have \$300 million that is collected annually from this method of taxation within the State and assuming—and I think we can do it a heck of a lot cheaper than the \$600,000 which was mentioned—but it would mean \$300,000, it would seem to me that this would be less than .01 percent and not two percent as was mentioned.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: We had a bill before us the other day whereby they were asking us to approve the authority of surrounding towns to tell a single town what kind of industry they could have. We now have the same thing on district taxation. I think this is regimentation and no home rule involved at all.

The SPEAKER: The pending question is the motion of the gentleman from Freedom, Mr. Evans that the House reconsider its action whereby this bill was indefinitely postponed.

The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed

desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken and more than one fifth 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 Freedom, Mr. Evans, to reconsider. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

### ROLL CALL

YEA — Allen, Baker, Benson, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carter, Chandler, Corson, Cottrell, Cox, Crommett, Dam, Drigotas, Eustis, Faucher, Fortier, M.; Fraser, Gauthier, Haskell, Henley, Heselton, Hewes, Jalbert, Jameson, Keyte, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lund, Marquis, Martin, McTeague, Mitchell, Norris, Ouellette, Payson, Richardson, H. L.; Rideout, Ross, Santoro, Scott, C. F.; Snow, Susi, Temple, Vincent, Watson, Waxman, Wheeler, White.

NAY — Barnes, Bedard, Birt, Bragdon, Brown, Buckley, Bunker, Carrier, Casey, Chick, Clark, C. H.; Clark, H. G.; Coffey, Cote, Crosby, Curtis, D'Alfonso, Dennett, Donaghy, Dudley, Durgin, Dyar, Evans, Farnham, Finemore, Fortier, A. J.; Foster, Gilbert, Hall, Hanson, Hardy, Harriman, Hawkins, Hichens, Huber, Hunter, Immonen, Johnston, Jutras, Kelleher, Kelley, K. F.; Kilroy, Laberge, Lee, Lewis, Lincoln, MacPhail, Marstaller, McKinnon, McNally, Meisner, Millett, Mills, Moreshead, Morgan, Mosher, Nadeau, Porter, Pratt, Rand, Richardson, G. A.; Sahagian, Scott, G. W.; Shaw, Stillings, Thompson, Trask, Tyndale, Williams, Wood.

ABSENT — Couture, Croteau, Cummings, Curran, Cushing, Danton, Emery, Erickson, Fecteau, Giroux, Good, Kelley, R. P.; Noyes, Page, Quimby, Ricker, Rocheleau, Sheltra, Soulas, Starbird, Tanguay, Wight.

Yes, 58; No, 70; Absent, 22.

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

**Final Report**

Final Report of the following Joint Standing Committee:

Highways

Came from the Senate read and accepted.

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

**Non-Concurrent Matter**

Bill "An Act Controlling the Sale and Possession of Cannabis (Marijuana) and Peyote" (H. P. 561) (L. D. 742) which was passed to engrossed as amended by Committee Amendment "B" in the House on June 19.

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

In the House:

On motion of Mr. Berman of Houlton, the House voted to recede and concur.

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

Mr. HEWES: Mr. Speaker, a procedural question. Is that item still on the agenda?

The SPEAKER: The House has receded and concurred. Is this the pleasure of the House?

Mr. HEWES: Mr. Speaker, it is not the pleasure —

The SPEAKER: The Chair would advise the gentleman that procedurally if he is not satisfied with receding and concurring he may ask the House to reconsider its action.

Mr. HEWES: Mr. Speaker, I move that we reconsider where we receded and concurred with the Senate.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that the House reconsider its action whereby it receded and concurred. Is this the pleasure of the House?

The motion prevailed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I hate to say this, but there is more than one of us confused now, and I just

wasn't paying too much attention. I just want to know when I can make a motion to indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The Chair would advise the gentleman the bill is not in a position to indefinitely postpone. The pending questions are to recede and concur, insist and adhere.

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

The SPEAKER: The pending question is on the motion of the gentleman from Houlton, Mr. Berman, to recede and concur.

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

Mr. BERMAN: Mr. Speaker and Members of the House: On this particular matter we are dealing with a situation that is very much fraught with emotion. Until we receded and concurred there was a possibility that no bill improving the control of the sale and possession of marijuana would go through this Legislature.

Now if you recede and concur this Legislature will have passed a workable improvement controlling the sale and possession of marijuana. If you don't vote to recede and concur, if you vote to adhere, we will be in non-concurrence with the Senate. The bill, as a matter of fact, will be dead and the worthwhile attempt this session to control the sale and possession of marijuana will have gone down the drain.

Now I don't think that this House, in a matter of pique such has been done in one other instance to my knowledge this session, and the body that did it I won't mention, should put a worthwhile piece of legislation down the drain because any single member or a group of members feel that it didn't go far enough.

Now I don't want to get involved in personalities; I want to stay with the merits of the bill. This represents a workable compromise. I think a compromise is far better than nothing, so I sincerely urge you to go along and recede and concur and not adhere.

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

Mr. JALBERT: Mr. Speaker and Members of the House: If you agree to reconsider where you receded and concurred, I shall make a motion that we adhere.

Now this is my piece of legislation. I have worked long and hard on this thing, and I know whereof I speak, and I know exactly what I am going to do after I kill this bill. Now I beg this House to reconsider receding and concurring so that then I can make a motion to adhere. Then I will make another motion after this bill is killed. I beg this House to do this. I have worked for months on this measure and I know whereof I speak and I know exactly what direction I am going in and exactly what I am going to do.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I think this House would be making a very serious mistake if we allowed Mr. Jalbert to kill this bill today. I realize that it is his bill and he has done a great deal of work on the bill. But the members of the Judiciary Committee have also done a great deal of work on this bill and we feel that Committee Amendment "A" is a compromise, and is the bill in this area of the law which will best serve the people.

We have a serious problem today in the area of narcotics concerning our youth and young people, and if we can pass legislation which can help solve this problem I think we are doing a service to our citizens. And I submit to you that Committee Amendment "A" is a step in the right direction. And the only problem is that it does not go as far as Mr. Jalbert wishes it did go. And I think that if we can take half a step towards solving the problem, it is better than no step at all, namely, the indefinite postponement of the bill.

I would just like to point out to the members of the House what this Committee Amendment "A" does, which you would be accepting if you receded and concurred. Committee Amendment "A" would solve one problem that exists in the law today, and that is in the

area of selling narcotic drugs to children. It is under Title 17, Section 858 of our present laws.

The penalty right now is that you would be punished for a term of not more than 20 years. It has no provisions for what happens after a first offense. The Judiciary Committee in Committee Amendment "A" has added to the 20 years a mandatory prison sentence for selling hard narcotic drugs to children after the first offense. And we feel that this is a step in the right direction towards curbing the sale of hard drugs to children. And it was for that reason we had that in our amendment.

The other thing our amendment does, it distinguishes between hard drugs and marijuana, and we have had people come to the committee and discuss this with us who are experts and authorities in the area, that there is a distinction between marijuana and the hard drugs, and that if you have the same penalties for the sale or possession of marijuana as you do for hard drugs, this is not fair or equitable. We therefore in our amendment have made possession of marijuana a misdemeanor rather than a felony. And in Mr. Jalbert's, in Committee Amendment "B" they have also done this. And the only difference between Committee Amendment "A" and Committee Amendment "B" is that in Committee Amendment "B", for the sale of marijuana, there will be a mandatory sentence after the first offense.

Now obviously Committee Amendment "B" cannot pass through this Legislature and if Committee Amendment "A" can't pass through the Legislature, then we will be right back where we were before the session; namely, with the law in the condition where there is no distinction between marijuana and hard drugs, there is no mandatory sentences for selling hard drugs to children, and if Mr. Jalbert has some ideas about getting an initiative petition up, I submit to him this is fine, but until the petition comes, let's have laws on the books to recog-



nize the problem which faces us here in the State and let us deal with it in a sensible fashion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Augusta, Mr. Moreshead, has had this bill in committee along with nine other members for months and once this Amendment "B" passes, before Amendment "A" even hit the other side, this amendment to Amendment "A" was printed.

Now I am not particularly interested in his reading my mind. I have something that I want to say later on. I certainly appreciate the feeling that the House has had for me on this measure. I think they will go along with me after I kill this bill. And I beg this House again to vote against receding and concurring so that I can then move to adhere. I ask the House, please vote against receding and concurring so that I can move to adhere. From there I will go.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: This drug area something should definitely be done about it and I think it should be done in this session. Clearly the drug problem is upon us. I would hope that you would vote to keep the bill alive so that if there is some problems where reasonable people on both sides of the mandatory sentence philosophy can get together and work out some compromise that will work out this year and not depend upon the whims of the public in statutory initiatives.

The SPEAKER: Is the House ready for the question? If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no. The Chair will open the vote.

A vote of the House was taken.

63 voted in the affirmative and 54 in the negative.

Thereupon Mr. Dam of Skowhegan requested the vote be taken by the yeas and nays.

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

A vote of the House was taken and more than one fifth having expressed a 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: If the members would vote no, then it would put me in the position to make a motion to adhere, is that correct?

The SPEAKER: Insist or adhere.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: We have debated and discussed, wrangled, haggled, chewed, clawed and bitten our way through this legislation now for perhaps two or three hours of this Legislature's time. I hear rumor about an initiative to get the kind of legislation that the gentleman from Lewiston, Mr. Jalbert wants. Sitting here as a non-partisan observer of this debate let me tell you that I see no good reason, very frankly, for us to in a fit of pique chuck the whole legislation out the window and go into an interesting and I am sure informative public debate on this issue. I believe that while I am not entirely satisfied with — and this is no great secret, with all of the product of the Judiciary Committee, I think that they have on balance produced pretty good work in this session and past sessions. Therefore, with apologies to the gentleman from Lewiston, I am going to vote to recede and concur. I think that is the path of responsible legislative action.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I assure you that I know just as much about what the path of responsible legislation is, just as much as the gentleman from Cumberland, Mr. Richardson does. Insofar as this measure is concerned, before I turn to other areas, I might state that here is what the amendment that was drafted even before it hit the other body up against that part of the amendment that has been defeated by 119 to some 24 votes, before it ever went over there. And here is all it would do: it would merely — the language contained in the proposed subsection 3 of L. D. 2383 is not novel to the State of Maine and this power presently exists with the Fish and Game Laws and the Liquor laws and to this day there has been absolutely no abuse at all.

To strike out this section as the present amendment would do would result in the police not being able to enforce any of the marijuana laws unless a violation was committed before their very eyes, and then and only then could they arrest, search or carry out any of the enforcement functions. With drug abuse being the biggest crisis ever to affect law enforcement in this State and with the enormous increase in the uses of drugs among our children, we cannot stand still and allow an amendment such as this to further curtail law enforcement in their untiring effort to wipe out this cancerous plague.

Now I will tell you just exactly what the situation is as far as I am concerned with this bill here. In committee, at the hearing, not only I but the Attorney General himself was insulted. Now just to straighten out the gentleman from Portland, Mr. Brennan, who again this afternoon stated that this was not — the killing of this bill would just satisfy the whims of one individual and if it went before the public in initiative legislation it would satisfy the whims of the public, I might tell him that I got this opinion from the Criminal Division of the Attorney General's office. I wonder whether or not he thinks that that is fair enough

and that is experience enough by him.

In his debate the last time he said this, he said this is the opinion of the gentleman from Lewiston. Now why don't we take the word on this of the enforcement officers, of the police officers, of the people that know? Well here is exactly what happened. Today I contacted these people with this question: Do you favor a mandatory prison term for second and subsequent offenders of the marijuana law, that is those who are convicted a second time of possessing, selling, or furnishing the drug, etcetera, the drug marijuana?

Now this is not just saying the big drug, heroin, this is just marijuana, the second offense. Now let's see — let's try this on to the gentleman from Portland, Mr. Brennan. This was the question that was asked of these people. Here is the answer, one, Chief E. T. Bernard Sparrowk, Augusta Police Department, very definitely yes; Chief Maurice Small, Bangor Police Department, yes; Chief David Koman, Calais Police Department, yes; Chief Gerald Green, Dover-Foxcroft Police Department, yes; Chief Raymond Orr, Farmington Police Department, yes; Chief Donald Dow, Houlton Police Department, yes; Chief Douglas J. Steele, Portland Police Department, yes; Chief Maurice Benner, Rockland Police Department, yes; Chief John Smye, Sanford Police Department, yes; Chief Gordon McGrath, South Portland Police Department, yes; Chief of the Lewiston Police Department, yes; Chief Stephen Smith, Auburn Police Department, yes; Chief Sevigny, Biddeford Police Department, yes; Chief James Murphy, Westbrook Police Department, yes; Sergeant Rancourt of the Waterville Police Department, yes; Parker Hennessey, Chief of the Maine State Police, absolutely.

Now the reason I want to kill this monstrosity of Amendment "A" is because I can't get a good law on the books, and once I kill this thing I am going to have my bill printed and I am going to have petitions circulated all over the State of Maine and I am going to take it out of the hands of the criminal lawyers who practice on the basis of

three areas: the retainer, the refresher, and the remainder. I am tired after twenty-four years of not being able to get through a certain committee legislation that has followed people. This is why I want my own bill killed now.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I think this is a very serious matter that should be handled with less than great emotion. Mr. Jalbert may have all the chiefs; maybe I just have some of the Indians. But the fact is I have got a copy of a letter from the director of the Bureau of Corrections Mr. Raines, and in that letter he says: "We in the Bureau of Corrections and all the wardens and superintendents of our correctional institutions in the State of Maine oppose mandatory sentencing." These are the experts in the field, not the policemen.

Now I think we should keep this bill alive. I think it makes a great deal of sense. I think it is a considerable improvement over the present law, particularly in the area of marijuana and possession of it for the first time making it a misdemeanor.

As far as depending upon going through a statutory initiative for something as complicated as this I submit that that is ridiculous. I move and urge this House to support the motion to recede and concur.

Mr. Berman of Houlton was granted permission to speak a third time.

Mr. BERMAN: Mr. Speaker and Members of the House: Believe it or not on this measure I am going to try to be unemotional. This reminds me; the opposition does, like some of the crusades, they were noble in purpose but they were terrible in execution.

Now I am sorry that Mr. Jalbert and a gentleman in the Attorney General's Department with whom I entered this Legislature way back in 1961 had a rough time at the hearing by a certain individual on the committee. I am very sorry about that. As a matter of fact this afternoon I wasn't in my seat too often because I was down in the unmentionable body and

that same individual that gave Mr. Jalbert and this gentleman downstairs a rough time sure gave me a going over in the other body when I was unable to defend myself. So I can sympathize with Mr. Jalbert and I can sympathize with Mr. Erwin, whom I consider a good friend.

Now I hope that you will go along this afternoon with the gentleman from Cumberland, Mr. Richardson, who I say in good faith on this measure makes a good deal of sense and with the gentleman from Portland, Mr. Brennan.

Now I do have a quote to end this debate and it is a vote from a quiet gentleman, who was one of the great minds of the twentieth century, and this is what Alfred North Whitehead had to say: "In the history of the world the prize has not gone to those species which specialize in the methods of violence or even in defense of armor. In fact nature began with producing animals encased in hard shells for defense, against the ills of life. It also experimented in size. But smaller animals without external armor, warm blooded, sensitive, alert, have cleared those monsters off the face of the earth." Ladies and Gentlemen of the House, I sincerely urge you to compromise and recede and concur.

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

Mr. MORESHEAD: Mr. Speaker and members of the House: I would just like to point out to the House that if we do recede and concur we will be accepting Committee Amendment "A." There are no House amendments on this and no Senate amendments on this. So the amendment that Mr. Jalbert made reference to is not on the bill and you would be just accepting Committee Amendment "A." I submit that Committee Amendment "A" is definitely a step in the right direction towards solving our drugs problem and if you allow Committee Amendment "A" or the whole bill to be killed because there may be an initiative petition brought which may become law then I say we are shirking our duties as responsible legisla-

tors. There is no reason why if we accept Committee Amendment "A" and have this come into law, that if a group of citizens want to initiate a petition and have a bill put to the people to vote on, that is fine. But let's have Committee Amendment "A" on our books to solve these problems which exist today.

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

Mr. HEWES: Mr. Speaker and Members of the House: Last week we voted along the lines recommended by the gentleman from Lewiston, Mr. Jalbert by 113 to 24. I can't see how the bill failed passage in the other body. I would be in favor of a committee of conference, perhaps the matter eventually being tabled until tomorrow and seeing if something couldn't be worked out. So I support the position of Mr. Jalbert, the gentleman from Lewiston on this matter, and hope we defeat the motion to recede and concur.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think if I wanted a committee of conference it would have been a very simple matter for me to vote and move to insist and ask for a committee of conference. And I am going to give another brief message to the gentleman in the corner, from Cumberland, Mr. Richardson, if this bill is kept alive, you just forget about adjournment this week.

Mr. Brennan of Portland was granted permission to speak for a third time.

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I take issue with my good friend the gentleman from Houlton, Mr. Berman in reference to the hearings by the Judiciary Committee in regard to this bill and other bills. I take issue with the indictment of our committee chairman. I personally think that our committee chairman has probably done the finest job in this Legislature, really representing the interests of the people, and I think that the remarks of Mr. Ber-

man are completely out of order. I still support the motion to recede and concur.

The SPEAKER: The pending question is to recede and concur. Is the House ready for the question? All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Bedard, Benson, Berman, Bernier, Birt, Boudreau, Bourgoin, Brennan, Brown, Bunker, Burnham, Carrier, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cottrell, Cox, Croteau, D'Alfonso, Drigotas, Dudley, Durgin, Dyar, Farnham, Finemore, Fortier, M.; Gauthier, Gilbert, Hall, Harriman, Haskell, Hawkens, Huber, Immonen, Kelley, K. F.; Kilroy, Laberge, Lawry, Lebel, Lee, Levesque, Lewin, Lincoln, Lund, MacPhail, Marstaller, Martin, McKinnon, McNally, McTeague, Millett, Moreshead, Morgan, Mosher, Norris, Page, Payson, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Rideout, Scott, C. F.; Scott, G. W.; Shaw, Snow, Susi, Thompson, Tyndale, Vincent, Watson, Waxman, White, Williams, Wood

NAY — Barnes, Binnette, Bragdon, Carey, Carter, Casey, Chandler, Crommett, Crosby, Curtis, Dam, Dennett, Donaghy, Eustis, Evans, Faucher, Fortier, A. J.; Fraser, Hanson, Hardy, Henley, Heselton, Hewes, Hichens, Jalbert, Jameson, Johnston, Jutras, Keyte, Leibowitz, LePage, Lewis, Marquis, Meisner, Mills, Mitchell, Nadeau, Ouellette, Ross, Sahagian, Santoro, Sheltra, Stillings, Temple, Trask, Wheeler.

ABSENT — Buckley, Cote, Couture, Cummings, Curran, Cushing, Danton, Emery, Erickson, Fecteau, Foster, Giroux, Good, Hunter, Kelleher, Kelley, R. P.; Noyes, Quimby, Rand, Ricker, Rocheleau, Soulas, Starbird, Tanguay, Wright. Yes, 79; No, 46; Absent, 25.

The SPEAKER: Seventy-nine having voted in the affirmative and forty-six in the negative, the House has voted to recede and concur.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As I know we are going to adjourn very shortly I would like to make a few comments if I may. Last weekend it was my extreme pleasure to motor in the areas of Aroostook County. I have been in Aroostook County on several occasions. I have enjoyed the pleasantries and more than often, because I cherish the area of Aroostook County, I have gone along with a great deal of their programs to a point where at times I have been asked if I lived in Aroostook County. I might state, Mr. Speaker and Members of the House, to those who have been in Aroostook County, that this is truly the garden spot of Maine. To those that have not been it would give you an extreme treat and pleasure for you to visit Aroostook County.

On Saturday afternoon I happened to have an open car — and really and truly it was breathtaking to look on either side of the highway and see these beautiful green fields and these beautiful roads along where the potatoes in the fields are planted and see the lakes and every so often you see across the river the peak of a church and truly when they call Aroostook County, they call it the garden spot of Maine.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker and Members of the House: On behalf of the 16 representatives from Aroostook County I want to thank the gentleman from Lewiston, Mr. Jalbert in having visited us and having agreed with us that we live in the garden spot of Maine. I do want to point out that the gentleman from Lewiston, Mr. Jalbert, was in Madawaska attending the

51st annual convention of the Department of Maine American Legion where he received the distinguished service award and I would so congratulate him for that honor.

**Non-Concurrent Matters**

Bill "An Act Permitting the Inhabitants of the Town of Jay to be within the Jurisdiction of the District Court at Livermore Falls" (H. P. 895) (L. D. 1156) which was passed to be engrossed in the House on June 19.

Came from the Senate indefinitely postponed in non-concurrence.

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

Report of the Committee of Conference on Bill "An Act Concerning the Adoption of State Wards" H. P. 760) (L. D. 980) which was accepted in the House on June 19.

Came from the Senate with the Report rejected in non-concurrence and that body voting to further insist and asking for a second Committee of Conference, with the following Conferees appointed on its part:

Messrs. CONLEY of Cumberland  
VIOLETTE of Aroostook  
MILLS of Franklin

On motion of Mr. Cottrell of Portland, the House voted to further insist and join in a second Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

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

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.