

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

Wednesday, June 25, 1969

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

Prayer by the Rev. Mr. Roger Smith of Augusta.

The Journal of yesterday was read and approved.

Conference Committee Report

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

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

Reporting that they are unable to agree.

(Signed)

PAYSON of Falmouth
LUND of Augusta
HEWES of

Cape Elizabeth

—Committee on part of House.

KATZ of Kennebec
TANOUS of Penobscot
VIOLETTE of Aroostook

—Committee on part of Senate.

The Report was read.

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

Mr. RICHARDSON: Mr. Speaker, I move that the House reject the Report and insist on its former action and request a second Committee of Conference.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves that the House reject the Conference Committee Report.

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

Mr. BERMAN: Mr. Speaker and Members of the House: The hour is late so far as the regular session of this Legislature is concerned. The House has spoken on the matter. The Committee of Conference Report though indicates that the Conferees were unable to agree. I honestly don't think that any useful purpose could be served by having a second Committee of Conference Report, so I must reluctantly ask that you vote not to go into a second Committee of Conference and waste time.

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

Mr. HEWES: Mr. Speaker and Members of the House: This particular bill was one of those in which the Attorney General had a great interest and as you probably know any bills that he has had interest in don't seem to have prevailed in the other body. As a matter of fact, I was on this Committee of Conference and the other body wanted to have a result that would be 180 degrees opposed to the intentions of the Attorney General when he was involved in the original preparation of this bill.

I reluctantly feel that we would get absolutely nowhere with a further Committee of Conference. We tried to work out a compromise and they were adamant, and I therefore join with the gentleman from Houlton, Mr. Berman in opposing the present motion.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: If I didn't have reasonable grounds for believing that a solution to this problem can be worked out in the other body I would not have suggested rejecting this report and requesting a second Committee of Conference. Therefore I would ask those of you who supported this legislation, and an overwhelming majority of you did, to give us an opportunity to send this back to a Committee of Conference. In the last analysis you are not delaying the session, you are not taking up any time by following this course.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I will try to be very brief. In the waning days of the session, as many of you people know, things go through here that we prefer not go through and things go down the drain that we prefer to see alive.

Now there was a reasonable compromise suggested on this matter which would have a right of privacy and do away with wire-

tapping in the State of Maine. However, certain elements in the Legislature didn't want to do that. They wanted to provide for wiretapping for which no reasonable necessity was shown; at least to a majority of the members of the Committee which heard the evidence of the bill.

The House of course can make its own decision on the matter, but frankly, and I say this in good faith, I deplore the use of muscle on this particular matter in the waning days of this Legislature.

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

Mrs. PAYSON: Mr. Speaker, I move that this item be tabled until later in today's session, please.

The SPEAKER: The gentleman from Falmouth, Mrs. Payson moves that this Conference Committee Report be tabled until later in today's session.

Whereupon, Mr. Berman of Houlton requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. As many as are in favor of tabling will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

27 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson that the House reject the Conference Committee Report. 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.

82 having voted in the affirmative and 33 having voted in the negative, the motion to reject the Conference Committee Report did prevail.

Thereupon, on further motion of Mr. Richardson of Cumberland, the House voted to further insist and ask for a second Committee of Conference.

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

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

Papers from the Senate

Fails of Passage

From the Senate: The following Order:

ORDERED, the House concurring, that Bill, "An Act Providing for the Taxation of Forests" (H. P. 876) (L. D. 1119) be recalled from the Legislative Files to the Senate (S. P. 522)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It is very late in the session—at least we hope so. This is a somewhat complicated bill. It came in earlier in the session and it is my understanding that it came out of the Taxation Committee voted Leave to Withdraw. I think it is much too late to bring in a bill of this type and give it the consideration it needs. I move for its indefinite postponement.

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

Mr. SUSI: Mr. Speaker and Members of the House: I am not aware of the background which surrounds the origin of this order. I am acquainted with the bill. I did sign the Leave to Withdraw report from the Taxation Committee. I certainly would be opposed strongly to the adoption of this measure as it is presently drawn. I consider it most unreasonable as it is drawn now. However, it deals with a topic that I think needs attention, probably not at this session.

The general situation is this. About half of the land in the State of Maine is in unorganized territory, largely forests, owned by just a few interests. It produces revenue to the State of Maine at the rate of about a million and a half a year. The amount of revenue that is being received by the State of Maine from a half of the land area of the State of

Maine is a ridiculous situation. I don't have any idea that in this session there will be anything done to correct this situation, but sometime when the phase of the moon is right the people in the Legislature are going to look at this situation and decide what is obvious, namely that this is inequitable to the degree of being ridiculous.

What happens to this order here today I doubt is particularly pertinent, but some day we will be facing up to this question. Thank you.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I appeared against this bill when it was heard before the Taxation Committee, mainly because it involves several concepts that I think at this stage of the game we would certainly not be able to correct if they were correctable at all in this particular bill. Basically it allows the taxing of all forest land including lands within organized territories.

I think that this is a completely different concept than anything that the State has ever ventured into before, to be able to go into an organized township and tax the forest lands in there and take those receipts and reimburse part of the money back to the town and some of it would go to the State at that level.

I have also checked with the Taxation Department and from the information that they have given me, at the present our wildlands tax which comes to \$1,200,000, and the best figure that they can come up with on a yield basis which this bill suggests is \$1,110,000. So actually the amount of revenue that this bill presently indicates would be generated would be less than what they are getting on the wildlands tax, and I completely support the motion of the gentleman from Perham, Mr. Bragdon for indefinite postponement.

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

Mr. FORTIER: Mr. Speaker and Ladies and Gentlemen of the House: I will admit frankly that

when I came here in January that the substance of this bill was probably my pet hobby—in layman's terms I believe this is more a yield tax.

I put in considerable time in studying this bill and I found that it was so complicated and so difficult of administration that I changed my position on this. I was one of those that signed the report of Leave to Withdraw for that reason, that back in February we had nowhere near the information by which we could implement such a law; and if we didn't have it in February how in the world could we possibly expect to do it in the next few days left to us in this session of the Legislature?

One of the things that this would imply for example would be reclassifying practically every woodlot in the State of Maine. There has not been a single state that has accepted this in the past seventeen years. I believe New Hampshire was probably the last one, and I understand that this was approximately seventeen years ago.

Now the principle may be right but no one has come up yet with anything practical except, put the law on the books and just hope to the Lord that it will work out. Consequently I hope that you will support Mr. Bragdon's motion to indefinitely postpone.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Very briefly, Mr. Speaker, I want to indicate that as the sponsor of this legislation, this particular L. D., I think I hold the New England scoring record for worst legislation of the session. Now there is no thought by the proponent in the other body in recalling this to make any attempt to pass this legislation and if it came back in that form I would move to indefinitely postpone it at that point. The problem is that there is no vehicle presently before the Legislature under which we could increase the wildlands tax and we might as well get it right out here in front of everybody. If you want any legislation during this session to effect perhaps a one or two mill

increase in the wildlands tax this is the only vehicle that you have to do it and this is the thought of the sponsor of this order. But you may rest assured that if this bill came before you in its present form, I as the sponsor would move to indefinitely postpone it because it is not a good piece of legislation. As a matter of fact it is very very bad legislation.

The SPEAKER: Pursuant to the joint rules an affirmative two-thirds vote is required for the recall of this Bill. The Chair will order a vote. All in favor of the passage in concurrence of this Order will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

71 having voted in the affirmative and 62 having voted in the negative, and 71 not being two thirds, the Order failed of passage. Sent up for concurrence.

Non-Concurrent Matter

Bill, "An Act to Provide for the Construction and Improvement of Airports Throughout the State; for a Tourist Information Building at Kittery; the Repair, Planning and Improvement of Certain State-owned Buildings and Institutions and Provide for Other Essential Improvements to Facilities for the Department of Adjutant General, Finance and Administration, Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$1,940,000" (H. P. 307) (L. D. 394) which was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "B" and "D" thereto in non-concurrence in the House on June 24.

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 Committee Amendment "A" as amended by Senate Amendments "B", "C", and "D" and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs.

BERRY of Cumberland
KELLAM of Cumberland
GORDON of Cumberland

In the House: On motion of Mr. Benson of Southwest Harbor, the House voted to insist and join in a Committee of Conference.

Non-Concurrent Matter

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

Which was passed to be engrossed as amended by House Amendments "A", "B", "C" and "D" in the House on June 18.

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

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

Non-Concurrent Matter

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

On which the House accepted the Minority "Ought to Pass" Report of the Committee on State Government and passed the Resolve to be engrossed on June 18.

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

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

Messages and Documents

The following Communication:

THE SENATE OF MAINE

Augusta,

June 24, 1969

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

Dear Madam Clark:

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 Providing for the Uniform Deceptive Trade

Practices Act. H. P. 950 L. D. 1229

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

Senators:

MILLS of Franklin
 VIOLETTE of Aroostook
 CIANCHETTE of
 Somerset
 Respectfully,

(Signed)

JERROLD B. SPEERS
 Secretary of the Senate

The Communication was read and ordered placed on file.

The following paper, appearing on Supplement No. 1, was then taken up.

The following Communication:

State of Maine
 SUPREME JUDICIAL COURT
 AUGUSTA, MAINE

June 25, 1969

Hon. Bertha W. Johnson
 Clerk, House of Representatives
 State House
 Augusta, Maine

Dear Mrs. Johnson:

There is enclosed the Answers of the Justices to the Questions of June 24, 1969.

Respectfully yours,
 (Signed)

ROBERT W. WILLIAMSON

ANSWERS OF THE JUSTICES

To the Honorable House of Representatives of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on June 24, 1969.

QUESTION NO. 1. Is the method of apportioning the House of Representatives, set forth in L. D. 1588, constitutional?

ANSWER: On the basis of information presently available, we find ourselves unable to answer this question. In the recent case of *Kirkpatrick v. Preisler*, — U. S. — 89 S. Ct. 1225 (Opinion April 7, 1969) the Court laid down guidelines which must be met by

States in adherence to the principle of "equal representation for equal numbers of people" as required by the Federal Constitution. We paraphrase such of those guidelines as may be pertinent here. The State must make a "good-faith effort" to achieve "as nearly as practicable" precise mathematical equality. Population variances must be justified and unavoidable despite such "good-faith effort." "Neither history alone, nor economic or other sorts of group interests, are permissible factors in attempting to justify disparities from population-based representation." Variances are not justified merely because they necessarily result from a State's attempt to avoid fragmenting political subdivisions (e.g. counties, cities, towns). We find it impossible to determine in advance of attempted implementation whether or not resulting variances will be justifiable within these criteria or will exceed the bounds of constitutional tolerance. We express grave doubts, however, having in mind the use of "remainders" in the proposed computation, as to the practical possibility of holding variances to permissible levels.

We note that the proposed constitutional amendment retains the present definition of population base "exclusive of foreigners, not naturalized." The United States Supreme Court has not as yet had occasion to determine whether or not the base can be so restricted. In *WMCA, Inc. v. Lomenzo* (1964) 377 U. S. 633, 84 S. Ct. 1418 the Court noted that "New York uses citizen population instead of total population, excluding aliens from consideration, for purposes of legislative apportionment." In striking down the New York plan on other grounds the Court did not again advert to the population base nor intimate that it was constitutionally violative. Subsequently in *WMCA, Inc. v. Lomenzo* (1965) U. S. D. C. , S. D. N. Y., 238 F. Supp. 916, a three judge court, seeking to interpret the decision of the Supreme Court, said, "Nowhere in the opinion, however, did the Supreme Court even intimate that New York's use of a citizen population base for purposes of

legislative apportionment contributed in any way to the unconstitutionality of the state's scheme." We might reach the same conclusion with respect to State representative apportionment, were not uncertainty engendered by the caveat found in the later case of *Kirkpatrick v. Preisler*, supra, in which the Court said, "There may be a question whether distribution of congressional seats **except according to total population** can ever be permissible under Art. I, Sec. 2. (U. S. Const.). But assuming without deciding that apportionment may be based on eligible voter population rather than total population, the Missouri plan is still unacceptable." (Emphasis ours) We note that the present Maine plan for State senatorial representation is based upon total rather than citizen population.

QUESTION NO. 2. Is the method of apportioning the House of Representatives, set forth in House Amendment "B" to L. D. 1588, constitutional?

ANSWER: We answer in the affirmative. In accordance with the guidelines laid down in *Kirkpatrick*, the plan is based upon the "major and overriding consideration * * * that each representative District shall have an equal number of inhabitants as nearly as is practicable." Strict adherence to this principle in implementation will produce districts with population variances well within constitutionally permissible limits. Any doubts with respect to a proper population base are resolved by adoption in the proposed plan of a total population base as disclosed by the "latest Federal Decennial Census."

Dated at Augusta, Maine, this 24th day of June, 1969.

Respectfully submitted:

(Signed)

Robert B. Williamson
Donald W. Webber
Walter M. Tapley, Jr.
Harold C. Marden
Armand A. Dufresne, Jr.
Randolph A. Weatherbee

The Communication was placed on file.

Orders

Mr. Richardson of Cumberland presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of the following Bills:

"Resolve, Proposing an Amendment to the Constitution to Abolish the Council and make Changes in the Matter of Gubernatorial Appointments and Their Confirmation", House Paper 447, Legislative Document 571; "Resolve, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation", House Paper 1016, Legislative Document 1324; and "An Act Conferring Upon Others the Powers Now Vested in the Executive Council", House Paper 1052, Legislative Document 1418; introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report its findings and recommendations at the next regular or special session of the Legislature. (H. P. 1286)

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

On motion of Mr. Benson of Southwest Harbor, it was

ORDERED, that the uniforms procured for the House Officers become their property at the end of their terms of office.

Mrs. Baker of Orrington presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Clerk of the House, in her capacity as Executive Officer of the Legislature when the Legislature is not in session, be and hereby is authorized with the approval of the Speaker of the House to employ whatever members of her staff may be necessary to complete the records of the House and conduct the business of the Clerk's office and payment for

same to be approved by the Clerk and the Speaker. (H. P. 1287)

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

On motion of Mr. Lund of Augusta, it was

ORDERED, that the Clerk of the House mail to each member of the House of Representatives the balance of the proof of the record of the House not received before final adjournment.

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

Mr. ROSS: Mr. Speaker, I would inquire whether the House is in possession of House Paper 21, L. D. 24, a Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary?

The SPEAKER: The answer is in the affirmative.

Whereupon, on motion of the same gentleman, the House reconsidered its action of yesterday whereby it receded and concurred.

On further motion of the same gentleman, the House receded from passage to be engrossed.

Mr. ROSS: Mr. Speaker, I now move that we recede from the adoption of House Amendment "A" and would speak to this motion.

The SPEAKER: The gentleman from Bath, Mr. Ross moves that the House recede from the adoption of House Amendment "A", and the gentleman may proceed.

Mr. ROSS: Mr. Speaker and Members of the House: We have before us a bill with two conflicting amendments. The first is House Amendment "A" adopted so long ago that I am sure you don't remember about it. It was under filing number three and this said that the Legislature could call itself into special session as it might provide by rule. Now the House went along with that up until the enactment stage and we did not have the two-thirds vote, and the other body adopted Senate Amendment "A" under filing Senate 299, which said that the House could call itself only with the consent of the majority of each political party after all members have been polled.

Thereupon, the House receded from the adoption of House Amendment "A".

On further motion of the same gentleman, House Amendment "A" was indefinitely postponed in non-concurrence.

Senate Amendment "A" (S-299) was read by the Clerk and adopted in concurrence and the Bill was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence and sent up for concurrence.

On motion of Mr. Bragdon of Perham, it was

ORDERED, that the Chaplains of the House be paid in accordance with a payroll list submitted by the Clerk of the House.

Enactor

Indefinitely Postponed

Bill "An Act relating to Assistance to Municipal Assessors" (S. P. 518) (L. D. 1605)

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This bill apparently proposes to give assistance to local assessors. It is a unique bill in that it assumes that there will be no cost to the State but a revenue to the State. It sets up eight new employees in the Department of Taxation. Apparently they assume that local assessors are going to call for the assistance of this group of eight and that the money mentioned in the bill, I haven't it before me but a fairly substantial amount, will revert to the State and in that way become an asset to the State.

Obviously if the local assessors didn't make any use of this bill the eight people would be without anything to do and the State would be without any revenue. Perhaps this is too much to assume. However, I see a lot of problems in this bill. This provides that 10 per cent of the people of a town can request this board to come in and value any piece of property that these ten would feel was undervalued or overvalued or there was something wrong with it. It

seems to me, I envision in it something like the Civil War in almost every town where this thing was requested. Obviously if one farmer in my town has suggested to this board that I be revalued I would probably look around and see if I couldn't find where he should be revalued. It seems to me this is a very dangerous procedure; I think it is very unwise, and I would move that the bill be indefinitely postponed.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to agree very much with the gentleman from Perham, Mr. Bragdon. This is just specified real estate property, it isn't the whole town as a whole, it is just to pick out certain pieces and have the assessors go over them. And this would be our expense and a man travelling from here to any town we happen to be in, if it is northern Aroostook County, Fort Kent or Van Buren or my town of Bridgewater, we would have to pay the expenses, the hotel expenses while they were there, and I wonder how long this would go on before maybe 10 per cent of the taxpayers would request a revaluation of maybe three or four pieces of property in my town.

Then these assessors would go back and then maybe in a matter of three months someone else would decide on the same thing, they would like someone's else property reassessed, maybe someone who had requested it before, and this could go on and on and I think it would be very expensive.

As Mr. Bragdon didn't state the expense, it says that "It is estimated that enactment of this Act would result in General Fund revenue, derived from municipal payments, amounting to \$87,800 for the years of 1969-70 and \$114,300 for the years 1970-71. Cost of administration would be as follows: Personal Services (8) on the year 1969-70 \$49,300. Then it jumps in 1970-71 with the same (8) to \$66,300 or in other words a \$17,000 jump. All other expenses would be \$33,500 and as I have told you the total expenses.

Therefore I believe this is very

poor legislation and it could cause the towns a lot of trouble. If it was total valuation it would be a little different but where it is only special pieces of property that someone doesn't like the valuation on I would say it is kind of imposing upon the town and the other taxpayers of the town. I hope you go along with the gentleman from Perham, Mr. Bragdon.

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

Mr. EVANS: Mr. Speaker and Members of the House: In reading over this bill I can see and I agree with Mr. Bragdon that it would create feuds in a lot of these towns and some people say, well they wouldn't be too much, but they will be. And as has been stated there would be feuds in every town and it would keep the tax assessors of the towns so busy they wouldn't be able to tend to their own regular work. And I would like to ask the Speaker, has there been any motion made on this bill?

The SPEAKER: The pending question is the motion of the gentleman from Perham, Mr. Bragdon, that this bill be indefinitely postponed.

Whereupon, Mr. Evans of Freedom requested a vote.

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

Mr. SUSI: Mr. Speaker and Members of the House: This bill was reported out by the majority of the Committee on Taxation. In the preparation of this we worked with the Department of Taxation, specifically Mr. Johnson. He is fully aware of the provisions of this and feels that he can handle it within his department over there.

Now as things are right now there is no practical appeals procedure for those who feel that they have had their rights violated by assessment practices in the communities. It is true you have a right to go to the Commission and you have the right to go to Court but as a matter of fact the courts and commissions invariably uphold the local assessors in whatever position they take in relation to any property or properties, so that

as a practical fact once a Board of Assessors has taken action on a piece of property the property owner pretty much has to live with the decision that they have made. I think that in this situation lies much of the problem that we have in the area of assessments, the fact that property owners don't have an effective appeals procedure.

Under the provisions of this bill there would be, albeit a very difficult procedure to attain, a possible procedure. First off let's recognize that it isn't an easy thing to get 10 per cent of the people within a community to agree with you to petition for a change in the valuation of a property or properties. Now that is the first roadblock that is offered in this bill to prevent the indiscriminate use of this appeals procedure.

Now secondly, and I think this is even more of a roadblock, there would be an estimate made of the cost of this revaluation by people from the State Department and prior to the request going to the State for the revaluation it would be necessary for either the initiator or several of the signers of this petition to post a bond in the amount equal to the estimated cost of the revaluation. So they have to come up with the cold cash before they can get this job done. Now they have to believe quite strongly that there is an inequity before they will put up their own cold cash. It is no cost to the community. The municipality would not have to put up the money on this. It would be the person who feels that he has been aggrieved or those who support his position.

I don't think there is any great danger that there will be great floods of people coming down here and posting. It may run from, on a single piece of property, from a couple of hundred dollars up to, if they want a major section of the community redone, it might run into several thousands, and as practical people we know that unless they feel that there is a real grievance they are not going to post this kind of money.

So I disagree with those who would like to see this bill indefinitely postponed in their sug-

gestion that this is going to open wild irresponsible actions. I don't believe this at all. I believe that the fact that they are going to have to actively convert people to their viewpoint first and then put up cold cash is going to be enough of a deterrent to them, so that in effect we are going to have an appeals procedure that would be available only when there is a real grievance in the situation. So I would hope that you would vote against the indefinite postponement and allow this bill to go along. Thank you.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Taxation Committee who signed for this bill we all realized the possible problems that have been mentioned here today but also the aggrieved taxpayer has no practical recourse at the present time. And the only purpose of this bill was to help the taxpayers in our state at no cost to the municipalities. So I certainly agree with the gentleman from Pittsfield, Mr. Susi, and hope you vote against this motion.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: It has been said here this morning that there is no alternative to this bill. There is on the statute law of Maine the authority for any municipality to set up an appeals board on a tax grievance. We tried this out in Eastport by establishing a three-man tax grievance board. This is very good. It sounded like the right thing to do and it worked out fine until the committee was appointed and one of the men on it was a major property holder and he appealed to his own board and he got tax abatements that had to be honored under the law by the Tax Assessor. Needless to say there is nobody in my town that will serve on this board any longer. I will go along with Mr. Bragdon.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: There seems to be a little misunderstanding possibly here and I would like to pose a question to either the gentleman from Bath or the gentleman from Pittsfield, Mr. Susi. Mr. Susi I believe made the statement that the Taxation Department could take care of this. I refer him to the statement of facts which accompanies the bill and says that it sets up eight new employees in the Department of Taxation. Now whether that is true or not I would like to have him say.

Another point, I could put in two questions. It seems from the statement of the gentleman from Bath that this is an appeal to protect—that a citizen could make, we'll say, if he feels that he is overtaxed. I think that I saw in it the possibility that ten disgruntled citizens could assume that someone was undertaxed and would make the appeal. Now with regard to those two questions I would like a little—

The SPEAKER: The gentleman from Perham, Mr. Bragdon poses a question through the Chair to the gentleman from Pittsfield, Mr. Susi who may answer if he chooses. The Chair recognizes that gentleman.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would subscribe to Mr. Bragdon's concern to this point, that anytime you impose new functions on any of the State departments you do open the door to the possibility of an expansion of their personnel and all. And I don't know what went through the minds of the other committee members when they were considering this, but I feel that I know Mr. Ernest Johnson the head of the Taxation Department well enough personally to know the general nature of the man and this influenced my thinking. I proceeded on the basis that first, Ernest Johnson was a very reasonable man, that he wasn't the sort of a person who made positions unnecessarily and that he would create jobs only as the need existed. I doubt that Ernest Johnson will put a single person

on the payroll until there is a job for him.

Now this was the thought process that I went through. I suspect other members of the Committee did too. It was basically based on respect for him as an honorable administrator.

The second element to the question raised by the gentleman from Perham, Mr. Bragdon concerned the possibility that petitioners might petition in the case where they felt that certain properties were undertaxed as well as the possibility that there might be an overtax on their own personal ownings. And there is nothing in the bill to prevent that—that is certainly a possibility, and I think it is entirely proper that it should be. Thank you.

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

Mr. EVANS: Mr. Speaker and Members of the House: I believe that it was stated that it would be a hard job to get 10 per cent of the owners. Well it has been a proven fact that you can take some ridiculous questions and out of a hundred people asked to sign this petition and they would sign it. Now one I heard was that all that was written on the paper was that I am a fool and they said the first hundred people that they asked to sign it there were fifty of them that signed it. So that shows how easy it is to get signers for anything like this.

I think that it would be a better idea if we set up a different arrangement for this appeal. I don't think that this really protects the man that really wants to appeal—he probably hasn't got the money to put into it, and it would be only the man that has quite a bit of money that could appeal on this. If you get 10 per cent of the signers, are they going to all help put up the money for this? Or is it just the one that wants it? If they don't have to put up the money for it, the one that wants it he probably couldn't afford it.

The SPEAKER: The pending question is on the motion of the gentleman from Perham, Mr. Bragdon that Bill "An Act relating to

Assistance to Municipal Assessors," Senate Paper 518, L. D. 1605, 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.

84 having voted in the affirmative and 44 having voted in the negative, the motion did prevail. The Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

**Passed to Be Enacted
Emergency Measure**

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

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, 133 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.

**Constitutional Amendment
Failed of Final Passage**

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)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken, 73 voted in favor of same and 58 against, and accordingly the Resolve failed of final passage. Sent to the Senate.

Passed to Be Enacted

An Act Revising Certain Probate Laws (H. P. 522) (L. D. 693)

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.

An Act Controlling the Sale and Possession of Cannabis (Marijuana) and Peyote (H. P. 561) (L. D. 742)

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to go into a long dissertation on this measure. The amendment as was put in even before the Report B that you so overwhelmingly supported the day before, that thirty-day — makes even this bill which in my opinion is a sham even worse because it just loosens the enforcement ways.

Now I am going to make a motion and before I make it I would state that regardless of what happens I am going to have a proper measure as Amendment "B", that you people voted upon, printed in initiative form and it will be back here in that manner and then if the Legislature would pass it, fine; if it doesn't it automatically will go to referendum. I must say that I am way up over my head in certain private individuals wanting to practice their profession within their own committee and in this body. It would be useless for me, and I would thank the gentleman from Cape Elizabeth, Mr. Hewes for his support. It would have been useless as he knows for me to have a Committee of Conference. I would have faced the same thing in any event on the other side of the alley.

Now this bill is a real bad piece of legislation. This is laughing at work that's been done for months and months by the proper people. I have been caught in the web of personal feelings between one individual on the second floor and other individuals on this floor. This is where I have been caught and placed in between.

Mr. Speaker, I move the indefinite postponement of this measure and all of its accompanying papers and when the vote is taken I ask for the yeas and nays.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert that L. D. 742 be indefinitely postponed.

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

Mr. BERMAN: Mr. Speaker and Members of the House: It grieves me this morning to hear the words from my good friend from Lewiston, Mr. Jalbert. Frankly there is no web in which Mr. Jalbert has been caught. There are no individuals as such on the third floor who as a body have any disagreement with any individual or individuals elsewhere. There may in all candor be one individual pitted against another individual but I am very happy to say that is not the case so far as this chamber is concerned. And on that note I will try not to mention that matter again, and I wouldn't have mentioned it unless my good friend from Lewiston, Mr. Jalbert had brought it up.

Now the Committee as such honestly attempted to do what it considered fair and appropriate for the citizens of Maine. There was disagreement within the Committee and this is perhaps as it should be on a matter as controversially and emotionally charged as this. However, speaking for myself and other members of the Committee, I will say that no private interest entered into consideration on the deliberations of this bill.

I don't really think that it would be proper or fitting to answer in detail the—and I say this frankly, the specious indictment drawn by my good friend, the gentleman from Lewiston, against any particular committee of the House. I just don't think that that is appropriate or in order. So on that note I will leave that matter.

Now because this is an issue that is emotionally charged a compromise was arrived at. It wasn't a compromise that was totally acceptable to the parties on one side; neither was it totally acceptable to the parties of the other. But like most compromises it was hammered out I feel in good will. It should be I say, in candor and forthrightness, accepted by the members of this House.

Now we do try to proceed in this House, as I think the good gentleman from Lewiston will

agree, in an orderly and fair manner. If the good gentleman from Lewiston wishes to adopt a procedure which is permissible under our form of government, to do something with this type of legislation outside the halls of the Legislature, that certainly is his prerogative. I don't think it should be done, but if he wishes to do it all well and good.

But today we are concerned with a very practical matter. We have made what most members of this House I believe will consider a very practical compromise, and I strongly urge that you vote against the motion for indefinite postponement. And if the request has not already been made and if the electronic machine is in order for roll calls, I would ask for a roll call. If the electronic machine is not in order for roll calls I would simply ask for a division.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First I would like to make a comment that as far as I am concerned this compromise is nothing but a compromise that would downgrade the measure. And secondly, not facetiously, I wish the gentleman from Houlton, Mr. Berman would stop calling me his good friend.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I rise to urge the members of the House not to indefinitely postpone this legislation and I personally regret that Mr. Jalbert feels that our decision was reached on a personality basis. Because I assure the members of this House that when we reached the compromise which is found in Committee Amendment "A" it was not reached because of any personal feelings or any web between any individuals either on our Committee or otherwise.

Committee Amendment "A" is an amendment which the majority of the members of the Committee felt was a fair and just compromise to solve this problem of narcotics

as it exists in the State of Maine. I would point out to Mr. Jalbert that we did adopt mandatory sentences in our Committee Amendment "A" for the sale of hard drugs to minors, and we feel that this was a compromise; and we also went along with the idea, which existed in Mr. Jalbert's bill, to separate marijuana from the so-called hard drugs as far as penalties were concerned.

I feel that this Committee Amendment "A" as it stands right now is a compromise which will be a step forward in solving our drug problem. If this Committee Amendment "A" is indefinitely postponed and this Legislature does not enact legislation in this area I feel we will be remiss. Now if Mr. Jalbert wishes and desires to bring an initiative petition before the people this is fine, but I feel until this happens we should have laws on the book to reflect the problem and I feel that Committee Amendment "A" does take care of this problem, and I therefore urge you to vote against the motion to indefinitely postpone so that we can enact Committee Amendment "A".

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert that item 4, L. D. 742, be indefinitely postponed. The same gentleman further moves that when the vote is taken it be taken by the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert that An Act Controlling the Sale and Possession of Cannabis (Marijuana) and Peyote, House Paper 561, L. D. 742, be indefinitely postponed. If you are in favor of the motion you vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Carey, Carter, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Curran, Cushing, Dam, Dennett, Emery, Fecteau, Fortier, M.; Fraser, Giroux, Hewes, Hichens, Hunter, Jalbert, Jutras, Kelleher, Leibowitz, LePage, Lincoln, Marquis, Meisner, Nadeau, Ouellette, Rand, Ricker, Rocheleau, Ross, Santoro, Sheltra, Tanguay, Wheeler.

NAY — Allen, Baker, Barnes, Bedard, Benson, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Buckley Burnham, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Croteau, Cummings, Curtis, D'Alfonso, Danton, Donaghy, Drigotas, Dudley, Durgin, Dyar, Erickson, Eustis, Evans, Farnham, Faucher, Finemore, Fortier, A. J.; Foster, Gauthier, Gilbert, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Huber, Immonen, Jameson, Johnston, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Labege, Lawry, Lebel, Lee, Levesque, Lewin, Lewis, Lund, MacPhail, Marstaller, Martin, McKinnon, McNally, McTeague, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Page, Payson, Porter, Pratt, Quimby, Richardson, H. L.; Rideout, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Starbird, Stillings, Temple, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, White, Wight, Williams, Wood.

ABSENT — Bunker, Carrier, Norris, Noyes, Richardson, G. A.; Sahagian, Susi.

Yes, 38; No, 105; Absent, 7.

The SPEAKER: Thirty-eight having voted in the affirmative and one hundred and five having voted in the negative, the motion does not prevail.

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

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An Act relating to Contracts of Loans under Small Loan Agency Law (H. P. 622) (L. D. 810)

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

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I move that L. D. 810 and all its accompanying papers be indefinitely postponed, and I would like to speak to my motion.

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, moves that item 5, L. D. 810, be indefinitely postponed. The gentleman may proceed.

Mr. GAUTHIER: Mr. Speaker and Members of the House: Two years ago we passed a bill in this House and the other body by a big majority. That bill stopped the small loan companies from gouging the poor people of this state for the rest of their lives.

This bill, as it is before you at this time with the amendment attached to it, brings these poor people back in the same trap that the small loan companies had them in originally and will let them continue gouging them.

I would like to give you an example. I was talking with a member of this House a few days ago, and he was telling me of a case where a fellow borrowed some money from these companies and bought a chain saw. After a certain amount of time he had paid more in interest than he had originally borrowed and was unable for certain reasons to continue to pay his loan, and so advised the small loan company. They took the chain saw away from him, and this was taking his livelihood.

Another case, a certain person borrowed \$2,000, and when the small loan company got through adding on the different charges to his note, amounted to \$3,300, \$1,300 added on. Ladies and gentlemen of the House, I say to you, these poor people do not have the services of the three big lobbyists who are trotting back and forth in the corridor working extremely hard for the small loan companies, in order to again put these people back in the trap they originally were in. Therefore, I sincerely hope you will go along with me and protect these people. They cannot afford paid lobbyists. And when the vote is taken I move that it will be by a roll call.

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

Mr. COX: Mr. Speaker and Ladies and Gentlemen of the House: As Mr. Gauthier says, two years ago there was a law passed, and this is what the law does. A person goes to a small loan company, who is by the way licensed by the state and permitted to do business in this state and taxed by this state and taxed by the federal government. Say he borrows \$1,000. He has everything paid up but \$50 of his loan. He gets illness in his family, or any other emergency, he goes back to that loan company and they say no, we can't until you pay us the \$50. So what happens? He goes across the street to another small loan company and he borrows the money he needs.

In this state, since this law has been enacted, there have been twenty-four small loan company offices closed. Now this ladies and gentlemen is a \$4 million per year business in this state. It pays \$150,000 in federal taxes, it pays \$1.8 million in salaries, it pays \$90,000 in state taxes and rentals.

Now as for lobbyists — of course they have lobbyists. They are the only interests in this House, in this Legislature who has lobbyists? In fact, as you and I well know, the small people, as Mr. Gauthier puts them, have lobbyists, only they are paid by other people and they aren't registered.

Now the last time this bill was before us it prevailed by a vote of 32 to 84 on a roll call. I ask you to vote against the motion of Mr. Gauthier and please give us the same margin as we had before.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: As the gentleman from Sanford said, Mr. Gauthier, some two years ago this Legislature passed a law that helped to break the strangle hold that the small loan industry has on the hapless borrower. It prohibited the loan industry from pressuring the borrower to rewriting his loan, and it limited the interest after 36 months to some 8 per cent or thereabouts.

Now this bill, and this is the important part of the bill, it would nullify the rewrite provision to a great extent and permit the loan company to resume that strangle hold over the borrower and finagle him into a refinancing agreement so that they would have him married for the rest of his life.

Now I would remind the House that this industry as Mr. Cox says, which is licensed by the state, it is also licensed to charge interest rates up to 30 per cent, which is high even in these high interest days.

Now although this bill, in effect, is just the House Amendment "A", the rest of it has been nullified by House Amendment "A" and the Committee Amendment under filing number H-453, it is a very difficult bill to understand and it is probably one of the best arguments for staffing in this House. Most of the people are going to get their information on a bill of this nature from lobbyists. And the lobbyists are, in effect, hired guns. They are up here, they are representing a certain interest. They are honorable people, I don't question that, but they are going to give you the one-sided viewpoint; and this again, it is the best argument for staffing so we could get some objective reports on something of this nature. And I submit that there are no lawyers lobbying here for the consumer. The only lobby the consumer has is you and I in this House.

Now the loan industry, they can afford to pay the high price of able lawyers, and I don't question them being honorable people, they are. Many of them are very good friends of mine. But the fact is, there is no one representing John Q. Public in this sense, particularly in a bill like this that is very difficult to understand. I submit though, if you pass this bill you will nullify the great things that were done for the poor helpless borrower two years ago. You will just nullify the effect entirely. So I urge you to support the motion of Mr. Gauthier to indefinitely postpone this matter.

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 Sanford, Mr. Gauthier. Now I would like to have you people just stop and think a moment and stop and think with good hard factual thinking. Dismiss the emotions of the poor hapless people who apparently get in the clutches of these people. I assure you that whatever they do is of their volition. But worse than that, what is going to happen if these small loan companies cease to exist? Where are these people going to go to borrow money? They are not going to the bank, because in general as credit risks many of them, if not most of them, are not acceptable to the banks. You know where they are going to go. They're going to go to the loan sharks, and I assure you that if they go to the loan sharks they certainly are going to pay through the nose. I think this is something we do not wish to exist in the State of Maine.

Now on the other hand, this amendment, this amendment that is called so vicious, what does it really allow? It allows people to renew the loans. And at a payment of what? 8%. The amendment is very clear. They pay 8%. I ask you people, all of you that are engaged in business, that have good security, where can you go to a bank today and borrow money for less than 8% on good security, and these people have little or no security to offer. This is on this renewal basis which is permitted under this amendment.

This amendment is good. I think the bill is good. I think two years ago this House passed a very sour bill. Now I have no conflict of interest. I am not interested in any loan company, and I assure you that I am not a borrower at any of them. I speak simply on what I think is right and just. I know they charge high rates of interest. Everybody is aware of this. But again I assure you ladies and gentlemen of this House that the interest that they charge is very mild compared with that which they would pay should they be driven to the loan sharks. I hope that you will reject the motion

made by the gentleman from Sanford, Mr. Gauthier.

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

Mr. FECTEAU: Mr. Speaker and Ladies and Gentlemen of the House: I wasn't going to get up this morning to speak on this bill, but I have two answers to give to Mr. Dennett. The Minority Report of the Committee came out and wanted to give them 4% more interest on the end. We agreed to give them 12% interest at the end of the contract, but they didn't accept that. Oh no, they wanted to be able to refinance.

Now if these twenty-some-odd companies went out of business, they can only blame themselves. The people will not go to these other places and be charged big interest. They go to these credit loans that we have all around the state. These credit loans are really helping these people. So whatever you do today I don't think will really help these small companies, no matter which way you vote, because they are on their way out and it is their own fault. Really, I am going to support this bill and postpone it.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I believe that my good friend from Kittery, Mr. Dennett is mistaken in regard to the 8%. Now I will read you a portion of the bill and don't be disturbed if you don't understand it, I think you would have to be a Philadelphia lawyer to understand it. I talked to a couple of lawyers about it shortly before the session, and they couldn't understand it. At any rate, it says, "Nothing shall be deemed to require such an interest reduction until 6 months after the maturity date as rescheduled by reason of such renewal, refinancing or extension of the maturity date provided for in such new contract of loan, if at the time of making such renewal, refinancing or extension agreement on new loans the borrower has paid to the licensee an amount equal to at least 75% of the scheduled payments due prior to the

date of such renewal, refinancing or extension of which were due on the loan discharged prior to the date of discharge." Well if you can understand that you are doing very well. The point is on refinancing agreements they are not restricted to 8%.

Now in regard to if they can't make a go of it at the present interest rates, why don't they come in here through the front door and ask to increase those rates rather than doing it by the back door by virtue of some very complicated and sophisticated amendments, and the principle objective of this amendment is to keep the strangle hold on the borrower so that he will continue to rewrite these things for the rest of his life. And I frankly do not think that the threat of Shylock-type money coming in here is really a real threat. I have seen no evidence of it.

I urge you again to support the motion of Mr. Gauthier to indefinitely postpone this bill.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I rise in opposition to the gentleman from Philadelphia, Mr. Brennan. I feel that this, as Mr. Dennett has indicated, is a good bill. Mr. Cox is right and I think it builds in a protection. Mr. Brennan has read to you part of the bill, which is the amendment as he indicated, and it does limit the interest rate to 8% a year on the outstanding balances.

Now I feel that this is a protection for the borrower as well as for the loaner and I support Mr. Cox.

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

Mr. DYAR: Mr. Speaker and Members of the House: In the opening statement of the gentleman from Sanford, Mr. Gauthier he referred to chain saws and from experience I would like to cite that there is very few banks in the State of Maine that will take a chain saw to finance. And if they do, they will charge more than the finance companies.

Another point I would like to bring out, on the mention of the chain saws, that the recording fee on a chain saw with a finance company will be three to four dollars and the service charge at the banks will run twenty to thirty-five.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I too rise in opposition to the statements of the gentleman from Portland, Mr. Brennan. I am not a Philadelphia lawyer but I think I can tell you very simply what would happen to these people if this amendment is not allowed to pass. Because of the change in our prime interest rates, it is impossible for these people to operate on the basis which they have been operating, and if they must cancel these contracts, if these people have to go down the street and start another contract, then they will be starting out at 30% and not at 8%.

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

Mr. HEWES: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Sanford, Mr. Gauthier to indefinitely postpone this. As I understand it, this law would apply to loans outstanding for more than three years. And in reference to the "poor hapless borrowers, it seems to me that we need protection for people who need money so badly they can almost taste it; and I think that we should give them the protection to which they are entitled for their own good. And further, I disagree with the gentleman from Kittery's statement that this may drive the small loan companies out of the state. I don't believe that at all.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of this bill. I think there is a need for that type of company here in this state, especially if we go along

and I wish they would feel the same way, supporting a bill of this sort as they do about supporting an income tax. Probably these people have to go to somewhere to get the money to be able to pay their income tax. I feel it is a protection for the people, for those who wish to use that type of service, and I see nothing wrong with it and I hope that you don't vote for indefinite postponement.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am neither an attorney, Philadelphia or otherwise; neither have I, as yet, done business with the small loan agencies although a lot of people do. But I am getting sick and tired of us trying to tell all the people just how they are going to run their business. I said in the special session when this bill came up our damage that we did in the 103rd to not only the small loan agencies but to people who wanted to borrow money, the people who for a good many years, the biggest part of their lifetime, do business this way. Why should we tell the people just exactly how they are going to borrow money and how they are going to pay it back?

I have talked with several of the recipients of these loans. I have talked to two people up my way that practically had to revert to getting along on social security because their type of business was such that they were forever owing money, they expected to always owe money and the little businesses they conducted, little logging businesses, little farm businesses and trucking businesses where they had been carried by the small loan companies for a good many years. Their type of borrowing had to cease because of that special legislation. They had to revert to trying to get along, either that or go to some other place to borrow the money.

Now again it seems to me as though this bill will partly undo the damage that was done two years ago on this loaning bill, and

I am for this bill. It hasn't been the loan people that have lobbied me on it, it has been the recipients of these loans. Again I say when are we going to stop interfering right down to the last man and woman with everything that they want to do in their private lives? As long as they pay the loan company eventually and as long as the loan company is operating within the law as to the amount they charge for interest, if they want to reborrow before they quite pay it off I say it is their business and not ours.

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

Mr. WAXMAN: Mr. Speaker and Ladies and Gentlemen of the House: I would first like to pose a question that each of us could answer in his own mind and that is how many of us sitting here today have ever borrowed money from a loan company. I suspect that most of us when we find ourselves in the position of needing money go to our local bank and I frankly question whether there would be the amount of support for this measure that there seems to exist if all of us hadn't counted some of the experiences that less fortunate people have in their dealings with loan companies.

I worked for a bank for three summers. I worked one summer in the collections department of that bank. I only point this out because most of the time that we are involved in collections with bank accounts that were slow on payments they were also involved with loan companies. I can tell you from personal experience that there isn't a tremendous amount of compassion or concern for the individual borrower when he gets behind on his loans with the loan company. The fact that twenty loan companies went out of business when we passed a little more stringent regulations two years ago I think is an indication that they were getting away with financial murder and that when we brought our laws in this state up to the level that they were in other states they simply couldn't survive.

As far as this rewrite policy is concerned it is just not 8% on

that last quarter of the balance that isn't paid. Quite often this loan will be rewritten to its original amount or even larger and I submit that in effect what we are asking people to do under these circumstances is pay interest on interest they already owe; in other words compound the evil.

I realize it is a highly emotional issue but I think each and every one of us has an inherent responsibility to the little man, to the guy in the street who may not be in an affluent position to look out for his own affairs. I am not in favor of putting unnecessary restrictions upon business as Mr. Henley alluded to but I am in favor of putting reasonable safeguards on business so that all our consumers will be treated in fairness and with justice. I hope you will go along with the motion to indefinitely postpone.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: This bill came out of committee unanimously against the amendment presented here. We felt that the only thing that was fair—and we tried to be fair unanimously, was to bring the interest rates up where these companies have had to go out and probably borrow money and give them a chance to get a little more on their interest.

In regards to Mr. Cox, my good friend from Bangor statement a few minutes ago, I would like to state that I have been lobbied by the small loan people and the poor people never contacted me, but I have been on Business Legislation for quite a few years and I feel that these people do need the protection and as far as Mr. Rideout's statement I would like to tell the gentleman this is a good bill for the small loan companies—not for the small people, I grant you that.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I realize that when you hear the words "question, question" it is not a very opportune time to make a speech. I would like to correct one

impression and that is that banks won't lend money for the purchase of chain saws. I am personally acquainted with banks that do lend money for purchase of chain saws in Aroostook County and the rate is lower than the rate for the personal loan companies.

The SPEAKER: The pending question is on the motion of the gentleman from Sanford, Mr. Gauthier that this bill be indefinitely postponed. The same gentleman further moves that when the vote is taken it be taken by the yeas and nays.

For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring that this vote be taken by 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 pending question is the motion of the gentleman from Sanford, Mr. Gauthier, that House Paper 622, L. D. 810, An Act relating to Contracts of Loans under Small Loan Agency Law, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Berman, Bernier, Boudreau, Bourgoin, Brennan, Buckley, Burnham, Carter, Casey, Coffey, Corson, Cottrell, Couture, Crommett, Croteau, Curtis, D'Alfonso, Danton, Dudley, Eustis, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hanson, Harri-man, Heselton, Hewes, Hichens, Immonen, Lebel, Leibowitz, Le-Page, Lewin, Lund, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Millett, Mitchell, Nadeau, Rand, Rocheleau, Scott, C. F.; Sheltra, Starbird, Tyndale, Vincent, Watson, Waxman, Wheeler, Wood.

NAY — Bedard, Benson, Binnette, Birt, Bragdon, Brown, Carey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cote, Cox, Crosby, Cummings, Curran, Cushing, Dam,

Dennett, Donaghy, Drigotas, Durgin, Erickson, Evans, Foster, Good, Hardy, Haskell, Hawkens, Henley, Huber, Hunter, Jalbert, Jameson, Johnston, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lee, Levesque, Lewis, Lincoln, MacPhail, Meisner, Morgan, Mosher, Ouellette, Page, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Ricker, Ride-out, Ross, Sahagian, Santoro, Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Tanguay, Temple, Thompson, Trask, White, Wight, Williams.

ABSENT — Bunker, Carrier, Dyar, Emery, Hall, Jutras, Keller, Mills, Moreshead, Norris, Noyes, Richardson, H. L.

Yes, 64; No, 74; Absent, 12.

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

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

Order out of Order

On motion of Mr. Bernier of Westbrook, it was

ORDERED, that Janet Godin, Carol Sinclair and Merry Cowperthwaite of Westbrook be appointed to serve as Honorary Pages for today.

An Act relating to Reasonable Counsel Fees under Uniform Act on Paternity (H. P. 635) (L. D. 823)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled Until Later in Today's Session

An Act Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect There-to (H. P. 860) (L. D. 1102)

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

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

Mr. RICHARDSON: Mr. Speaker, in view of the fact an opinion has been requested from the Attorney General and should be received later today, I would ask some member of the House to table this until later in today's session.

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

An Act relating to Contracts for Support (H. P. 863) (L. D. 1105)

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

An Act Providing for Implied Consent Law for Operators of Motor Vehicles (H. P. 1030) (L. D. 1339)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

The SPEAKER: The Chair at this time would request the Sergeant-at-Arms to escort the gentleman from Madison, Mr. Corson, to serve as Speaker pro tem.

The SPEAKER pro tem: "An Act to Grant Adult Rights to Persons Twenty Years of Age." Is it the pleasure of the House that this Bill be passed to be enacted?

Thereupon the Bill was passed to be enacted, signed by the Speaker, and sent to the Senate. (Applause, the Members rising)

Thereupon, Mr. Corson returned to his seat on the Floor and Speaker Kennedy resumed the Chair.

The SPEAKER: Supposedly this is a great day for the youth of this generation and the Chair felt—perhaps I was prompted to feel this way—that this was a nice gesture to have a young member of the House of Representatives rap the gavel on the enactment of this particular legislation.

Mr. Tyndale of Kennebunkport was granted unanimous consent to address the House.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the young Turks for progressive legislation, it was a great privilege for me to yield to the gentleman, Mr. Neal Corson, and I am glad that the voice of the youth has been heard again and that this bill has been enacted in the House, which I think is a great step in progression for the 104th Legislature.

Mr. Porter of Lincoln was granted unanimous consent to address the House.

Mr. PORTER: Mr. Speaker and Members of the House: Would it not be appropriate for this House to compliment the younger members in our midst for the outstanding jobs that they have done during this session of the Legislature? I, for one, am extremely proud of them.

Who can forget the passionate pleas that the gentlewoman from Bath, Miss Watson made for both the Bath Naval Home and the tax relief for the aged? And who did more research and study than that gentleman from Berwick, Mr. Stillings did on the bill on truck permits?

What courage was exhibited by the gentle lady from Topsham, Mrs. Coffey, as she faced a hostile crowd of 1200 on her gun registration bill?

It was my privilege to serve on the Joint Committee on Election Laws with the gentleman from Portland, Mr. Vincent. He expressed himself well in our executive sessions, and he has shown some very definite and progressive ideas that I find most interesting and enlightening.

From the Joint Committee on Education, the gentleman from Portland, Mr. Waxman, carried the thinking of his Committee to the members of the House in a firm and emphatic way. His extemporaneous speaking on educational matters seemed to be very effective. He deserves our thanks.

The gentleman from Madison, Mr. Corson was successful in his

efforts to have the Landlocked Salmon declared the fish of Maine. He lost his fireworks bill, but did an outstanding job in defending his position and did not react like some of us when we see our pet bills sluiced down the drain. And his work, together with the efforts of the other young members of the House, on the bills to convey the voting rights and adult privileges for the twenty year olds met with overwhelming support by over one hundred members. That was the crowning reward for an outstanding job.

I have enjoyed watching these young people make real contributions in our Legislature. They have proven that they can carry their share of the load. They have accepted their defeats and their successes in a gracious and humble fashion.

These young Legislators belong to another generation than most of us. They have done their homework, they have made their contributions, and I believe that the 104th Session of the Legislature is better for having them here. Not only have they been inspiring to us but what is of more importance, they are showing their generation that it is possible to join the establishment, exert their own personal influence and be accepted by their colleagues, both in the Legislature and in their daily lives. Their work here can be considered a compliment to the school systems of the State of Maine, of which they are a product. These young people have earned and they deserve our best wishes. (Applause, the Members rising)

(Off Record Remarks by the Speaker)

Orders of the Day

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

Joint Order re adding new Joint Rule 7-A.

Tabled—June 24, by Mr. Rideout of Manchester.

Pending — Passage (Under the Rules).

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: With the Chair's permission, if I may speak to these three orders at once, I think it might save some time. Joint Rule 7-A requirements for drafting, this allows that anyone can introduce a bill to the Research Department with title and with enough body so that it can provide sufficient information and data for the preparation of the bill. It doesn't have to be in its final form.

Joint Rule 8, it has to do with the cloture date. Now we have had for some years the third Tuesday following the fourth Friday of convening. Now we haven't met the cloture date since I don't know when, so we are trying to be realistic and advance it to the sixth Tuesday following.

Joint Rule 10, filing after cloture. With these two other liberalizations of the cloture rules, we felt that we were tightening up on the filing after cloture. Now this is a rule that had been in effect for some time, up until four years ago, I believe it was, when we went to ten percent.

Now you all know that we have had any number of bills introduced after cloture and they have not, in my estimation, many of them had ample opportunity to get their just reward. This bill goes back to unanimous consent of the body in which it is introduced; it has to be received before a bill can be received after cloture.

Now I don't want to belabor the points. These are housekeeping joint rules. I will be happy to answer any question anyone has on it, but I would urge that you pass all three of them.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Because of some very serious implication on some of these rule changes, I would now like to ask either Mr. Rideout or any other member that may choose to do so to table them for at least another day so that we can look

at these jointly and find out what impact they will have on the next Legislature.

The SPEAKER: The Chair would advise the gentlemen that these will be handled individually.

Whereupon, on motion of Mr. Rideout of Manchester, retabled pending passage and specially assigned for tomorrow.

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

Joint Order re amending Joint Rule 8.

Tabled—June 24, by Mr. Rideout of Manchester.

Pending — Passage (Under the Rules).

On motion of Mr. Rideout of Manchester, retabled pending passage and specially assigned for tomorrow.

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

Joint Order re repealing Joint Rule 10.

Tabled—June 24, by Mr. Rideout of Manchester.

Pending — Passage (Under the Rules).

On motion of Mr. Rideout of Manchester, retabled pending passage and specially assigned for tomorrow.

The Chair laid before the House the fourth 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 24, by Mr. Birt of East Millinocket.

Pending—Adoption House Amendment "B" (H-580).

On motion of Mr. Richardson of Cumberland, tabled pending adoption of House Amendment "B" and specially assigned for later in today's session.

The Chair laid before the House the fifth tabled and today assigned 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 and Raising Revenue for Funding Thereof" (H. P. 1281) (L. D. 1608)

Tabled—June 24, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

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

MAJORITY REPORT of the Committees on Judiciary and State Government jointly on Bill "An Act Providing for Full-time District Attorneys" (S. P. 384) (L. D. 1291) reporting same in a new draft (S. P. 528) (L. D. 1610) under the title of "An Act to Provide for Full-time County Attorneys" and that it "Ought to pass" and MINORITY REPORT reporting same in a new draft (S. P. 529) (L. D. 1611) under title of "An Act relating to Full-time State's Attorneys" and that it "Ought to pass".

Tabled — June 24, by Mr. Richardson of Cumberland.

Pending — Motion of Mr. Moreshead of Augusta to accept Majority Report in concurrence.

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

Mr. DENNETT: First I will say that I will rise in opposition to the acceptance of the Majority Report.

Now it is very unfortunate that this bill should come before this body so late in this session. I believe that its lateness works very strongly against the passage of any measure at this time. But first I would give you a little history of what has occurred just in case that you have forgotten.

You will recall that we had a great ado in this House and in the other body relative to what committee should hear this bill. This House insisted that it should be heard by the Committee on State Government. The other body insisted that it should be heard

by the Committee on Judiciary. Finally as a result of a Committee of Conference it was heard by both committees and frankly when we sat down to hear the bill I think we not only heard the bill but we heard everything else.

The original bill was a bill relating to full-time County Attorneys or State's Attorneys. It was setting up a system, an entirely different system than we presently had. It comes out to you in Report "A", which is the Majority Report, more or less simply a bill providing for full-time County Attorneys and increasing the salaries tremendously. The second bill, which is Report "B" of the Committee, was more or less along the lines of the original intent of the bill which was to establish a system of State's Attorneys in the State of Maine with the Attorney General as the chief enforcement officer. Report "A" doesn't even slightly resemble that bill.

I know in Committee we listened long and loud and mostly it appeared to be the wails and the groans of the present County Attorneys stating how much work they did and how much they were underpaid. In fact one gentleman told us he was going to lose his home because he had a job as County Attorney. So I think the Majority Report of the Committee became quite generous and increased the County Attorneys pay greatly but didn't accomplish too much else.

Now I would like just briefly to give you a rundown of what Report "B" attempted to accomplish. You will recall that originally the Attorney General's Department sponsored a bill for full-time State prosecutors and the Governor with certain changes concerning the appointment of these prosecutors submitted an almost identical bill. In both cases the plan was to set up under the direction of the Attorney General, a smaller group of full-time professionally trained prosecutors, all of whom were empowered to represent the State in all of the counties without reference to county lines or county courts. This was a new approach designed to provide a

high level of capable, professional prosecutors equal in caliber, attitude and ability in one county as in the next. Everyone agrees that the present part-time County Attorney system is not working, but you do not solve it by making a few County Attorneys full-timers in few of the larger counties, while you ignore the very real problems of prosecutors in the smaller counties. Many of the smaller counties have very few lawyers to begin with. Few of these lawyers want to be County Attorneys. It is always an afterthought and something that a man does after he attends to his private practice.

The Majority Report brings out a bill which will only affect the larger counties. It ignores the more numerous small counties. It provides for full-time elected County Attorneys, but it ignores the fact that the election of County Attorneys locks them inside their counties. They cannot cross county lines. They cannot assist their brother prosecutors. They cannot fill vacancies, and this method does not answer the problem that the people of Piscataquis County are entitled to the same attitudes, standards and capabilities as are the people of Cumberland County. This is not to say that the present County Attorney in Piscataquis County is not a good lawyer, but it is to say that the people of Cumberland County will have full-time prosecutors while the people of Piscataquis County, like second cousins, will not.

This is moving in a direction away from uniform evenhanded justice. The Attorney General wanted this problem solved by viewing it as part of the entire fabric of improved law enforcement and a better administration of justice. His bill was not given the courtesy of a hearing. Improved law enforcement is a burning issue in our country today. It would be better not to enact the unfair and divisive Report "A". Report "B" solves the problem for everyone with minor differences. It is the same bill both the Governor and the Attorney General supported. Don't compound the problems of prosecution by treating some of our citizens in one fashion and some in

another as Report "A" will do. Prosecutors, like judges, should be able to ignore county lines because no case in the criminal field is a county's case against the defendant. They are entitled, "State of Maine vs. John Doe or whoever the defendant may be." They are all the State of Maine's cases. We have outgrown the County Attorneys system. It would be better if we did not make it even more unfair and unwieldy than it is. This Minority Report "B" will answer the challenge appearing in a recent full page of the Portland Sunday Telegram. Report "B" will make our case, the case of the injured public, the murdered one, the raped one, the robbed one — at least as well represented as the case for the accused.

Mr. Speaker, I move indefinite postponement of Report "A".

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

Mr. BERMAN: Mr. Speaker and Members of the House: This is probably one of the rare occasions where the good gentleman from Kittery and myself disagree. Now I know that some mention was made this morning comparing the County of Piscataquis to the County of Cumberland and certainly on a population basis there is reason for that comparison. The gentleman from Kittery was very fair and very just with respect to the present County Attorney in Piscataquis County and I can say quite frankly I am well acquainted with the gentleman who is presently serving as County Attorney for Piscataquis County. He is a former member of this House. In my opinion he is a very sound lawyer and I think that the people up in Piscataquis County are very very fortunate.

Now I think what is involved here may be more than meets the eye, and I think that Mr. Dennett has very courteously and in a very gentlemanlike fashion recalled to the members of the House what may have transpired with these bills. I personally was very much in favor of giving Mr. Erwin's bill a fair and impartial hearing and I think that other members of our Committee felt much the same way. Frankly if this matter had been

left to the good gentleman from Kittery, Mr. Dennett and myself and other people that I would consider reasonable and fair-minded people this problem could have been resolved very early in the session because both Mr. Dennett and myself, while we disagreed as to which committee these bills should be referred to, both of us were in agreement that if they couldn't go to one committee or the other the sensible thing would be to have a joint hearing. And we stayed with that position all the way along, but there was at least one member of one committee that just didn't want to do it. So it is good to abide to a certain extent with the good neighbor policy within committee, but finally near the end of the session this gentleman did change his mind and went along with the joint hearing which is what Mr. Dennett and I had wanted all along.

Now I think that the hearing on these bills was conducted in a reasonably fair and impartial manner considering the history of the proposals this session. Now frankly I agree with Mr. Dennett that the administration of justice in the State of Maine should not be left to whim. However, where Mr. Dennett and I and I think the majority of the people who signed out Report "A" differed is this. We who signed Report "A" do believe that there is an advantage for the prosecutors to be close to the people and the only way for prosecutors to be reasonably close to the people is to have them elected.

Now to have our prosecutors elected and be reasonably close to the people the only practical manner of doing it is to have them stay within the counties where they are known. If there were a feasible way of having County Attorneys cross county lines, be able to assist one another, I would be for it. As a matter of fact, if this had gone before a Joint Committee hearing early in the session perhaps something along that line could have been worked out in a spirit of compromise. If the County Attorney in County A needs assistance he should be allowed to call in the County Attorney from County B and vice versa and there should be reciprocity between the counties in

this respect. But basically where the reports differ is we feel, who signed the Majority "Ought to pass" Report, that the prosecutor should be close to the people; to keep them close to the people they should be elected; to have them elected, the only practical way to have them elected is on the county level.

I am a bit tired so probably have gone on a little longer than I would have liked, but I think the issue is quite clear. I hope, and I say this sincerely, that you would vote against the motion for indefinite postponement so that we can accept Report "A" and get on with the business of adjourning this session. Thank you.

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

Mr. DONAGHY: Mr. Speaker, Ladies and gentlemen of the House: This is indeed a strange feeling for me to be supporting an attorney, Mr. Moreshead against my very good friend and at times mentor and fellow insurance man, Mr. Dennett. I was sort of surprised at Mr. Dennett stumbling a couple of times in his presentation. This is usually my way of doing business. But in looking at the last of the two bills, the last pages of these bills, I can see why he was kind of choked up. Because Mr. Dennett was asking for an appropriation of \$368,125 in the first half of the biennium against \$35,400 for the bill that Mr. Moreshead is proposing, and in the second year of the biennium it would be \$483,500 as opposed to \$70,800.

Now actually we want justice and if it costs money we want to have to pay that, but actually as the gentleman from Houlton has pointed out these circuit riders that we would have out of Augusta coming into our various counties to protect the public, and this is what your public prosecutor is, would not know the circumstances in that county, would not know the people, and so it would not only be not economic to do this but it would not tend to give the best in form of justice. And so I hope you will go along with Mr. Moreshead.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I support the position of the gentleman from Kittery, Mr. Dennett. I think if I ever did a survey on the number of times we have agreed and disagreed, those times when I have disagreed with Mr. Dennett I have usually found out to my chagrin that I was wrong. I think that he is correct when he suggests to you that if you adopt the proposal as set forth in Report "A" you are going to relegate the smaller counties to second class law enforcement. If you don't accept that proposition, then what is the reason why we are talking about putting in full-time county attorneys in the more populous counties? I mean, you can't have it both ways.

Now there has been, as every one of us knows, an unfortunate petty dispute between a member of the other branch and the gentleman on the second floor. Now whether there has been or not will not advance the cause of this legislation. But I for one am very pleased to again support the Attorney General who requests this legislation, who believes it is in the public interest, and I agree with that, and I think that those of us who are really committed to first-class law enforcement throughout the State of Maine should accept the judgment of the gentleman from Kittery, Mr. Dennett.

I don't question the sincerity of this glittering array of legislative talent making up this twenty-man joint committee; I certainly don't question their ability to analyze this problem. But I do question the basic premise upon which Mr. Berman's argument rests, and that is that there are compelling reasons in one county and not another. I know the gentleman from Piscataquis County. I consider him a close friend. There is no question about his competency. But in every one of these counties if you expect first-class law enforcement, if you expect the rights of the State to be adequately presented in court, you have got to talk about a full-time man. And I am hopeful that you will reject this

Report "A" by voting in favor of indefinite postponement and ultimately accept Report "B".

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: At the joint hearing which was held on this piece of legislation, the people that came before the joint committees were almost unanimous in their feeling that there should be full-time prosecution of criminal cases in the State of Maine. And for the most part the Committee was in agreement that there should be full-time prosecution. The problem facing this committee was, how do we get a bill out before the Legislature which would solve this problem in a reasonable and feasible manner?

We felt that having full-time prosecutors in our six most populous counties would be a step in the right direction, because most of the people on these joint committees felt that the county attorney should be a man from the county which he represents, and a man who is on the ballot and elected by the people. And he should not be a young man who would come down to the county from Augusta, not knowing the people and not knowing the problems of the area.

So we felt, the seventeen of us that signed the "Ought to pass" Report "A", felt that these men who were prosecuting our cases should be elected by the people in the county where they came from, and that in our six most populous counties, these men should be full time and not be allowed to practice law in any other capacity other than as county attorney.

Now it would be nice to have all sixteen county attorneys full time. But there are serious problems in that number one, it would cost some \$800,000 to pass legislation making full-time county attorneys for every county. We felt that our bill which has a two-year price tag of \$106,000 would be a step in the right direction, and in our larger counties we would have full-time prosecution. There is no disagreement at all that we do

need in certain areas of the state full-time prosecutors. But it is just a practical question of whether or not at this time we can afford them. And I firmly believe that if we are to have full-time county attorneys eventually, that these men should stay on the ballot and be elected by the people in the area where they do their work, because how responsible could a man be coming down from the State Capitol to Washington County or Piscataquis County and doing his job when he doesn't have to concern himself with the people in that area by way of election?

Our county attorneys today are responsible directly to the people because if they are inadequate or if they do do a poor job, they can lose in the next election and they realize this. But I think for the most part, our county attorneys are doing a terrific job, and the only problem is that we are not paying these men enough money, and in our larger counties these men are being made to work full time on a part-time salary. And this was the problem when these men came before our committee and said that they were working full time on the job and only getting \$5,000 or \$6,000. So in these counties, the large and populous counties, namely, York, Cumberland, Androscoggin, Kennebec, Penobscot and Aroostook, we are making these men full time. They will not be able to do anything else but be county attorneys, and in our other counties we are going to give the county attorneys a pay raise, but they will remain part-time.

Now I am glad that the Piscataquis County attorney situation was mentioned because this man, the County Attorney in Piscataquis County, came before the Committee and he stated that he felt there was no need for a full-time county attorney in his county and I think many of you will agree in your particular county the work load does not justify a full-time county attorney at this time. But if the other bill here, L. D. 1611 were passed, we would have some 22 to 25 assistant district attorneys, or State's attorneys, who would be running around the state prosecuting criminal cases and I

just do not feel that at this stage of the game we can either afford this or we should have it.

So therefore L. D. 1610 was a compromise to try to give our large counties full-time prosecution at a cost that would not bankrupt the State of Maine. So I therefore urge you to vote against the motion to indefinitely postpone this matter so we can take a step in the direction towards full-time prosecution and better law enforcement in the State of Maine.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Being somewhat carried away with my feelings for this bill, I fear that I must stand now and correct myself before this body. After sitting down it became very aware to me that this is on the acceptance of the report, it is a divided report, and I am now aware and fully realize that my motion to indefinitely postpone was quite out of order and I will simply correct myself and ask that when the vote is taken that you simply vote against the motion made by the gentleman from Augusta, Mr. Moreshead to accept Report "A".

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

Mr. BERMAN: Mr. Speaker and Members of the House: I hope that you will vote to accept Report "A". It is now the noon hour, again I will try to be brief. Something runs through my memory which you may or may not find entertaining and to the point. Some few years ago there was a very famous book written under a pseudonym and it was written by a gentleman who was on the Supreme Court of the State of Michigan and that novel proved to have so much intrinsic value that it was later made into a motion picture called, "The Anatomy of a Murder." And the judge in the trial scene was a very very capable Boston attorney, I think he came out of the firm of Hale & Dorr, Mr. Joseph N. Welch.

Well in that particular scene as I recall it the prosecution was conducted by a real sharp attorney

coming out of the State Attorney General's office in Lansing to try this murder case up in the upper peninsula of Michigan. Well the defense attorney was a local man and he had local co-counsel and the juries, as the juries throughout the state have to be constituted, were local people, they were people from the vicinage. Now the outcome of that particular trial, the trial itself, it was apparent, and this happens very frequently, that the people who were deciding the case, namely the jury, looked with a great deal of trust on counsel that they are acquainted with and oftentimes, which appeared in this book and later in a motion picture based on the book written by a Supreme Court judge from the State of Michigan, the verdict was one of acquittal.

Now I would think that in a situation such as we have here in the State of Maine that our local juries frankly are going to be more impressed by the State's case if they are presented by a gentleman whom they have helped elect, by a gentleman with whom they have some acquaintance, by a gentleman with whom they can feel some rapport.

Now theoretically I must agree with the good gentleman from Kittery and the good gentleman from Cumberland. Theoretically State's Attorneys coming out of the State's Attorney General's office would be an ideal situation but we don't live in an ideal world either fortunately or unfortunately; we live in a very real world. And at the point of possibly being a little repetitious I would say that I would think that the State's case can be better presented to the local juries who will have to hear these cases if we follow the path of moderation and upgrade the county attorney system because the county attorneys are people from the county, they know the people from the county and they are going to be addressing juries from the county.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Augusta, Mr. Moreshead that the House accept the Majority "Ought to pass" Re-

port in new draft on Bill "An Act to Provide for Full-time County Attorneys," Senate Paper 528, L. D. 1610. If you are in favor of the Majority "Ought to pass" Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken. 60 voted in the affirmative and 64 voted in the negative.

Whereupon, Mr. Moreshead of Augusta requested a roll call.

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

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

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

Mr. LUND: May I inquire if this may still be debated?

The SPEAKER: The gentleman may proceed.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late and there aren't many days left but this is a sufficiently important matter that I think perhaps everyone should have a chance to be heard on it and I do have a concern about this question because the proposal has been kicking around for many years, and it wasn't many years ago that I served as a County Attorney and I can recall on many occasions.

The County Attorney is called upon not only to present cases before the jury but he is called upon to make decisions. Like it or not, a County Attorney has to decide whether to prosecute a case or whether not to, on many occasions. He has to decide whether he should ask the Court for leniency in the case or whether he should ask for the full penalty of the law. And occasionally if somebody would question my judgment on

such a matter I had a comforting feeling because I said to myself, if people disagree with my judgment they can resolve that question at the polls and I wondered oftentimes as these proposals were advanced whether a person who was appointed by the Attorney General would be able to exercise that same amount of independent judgment and responsibility to a local vote. And therefore I am going to vote in favor of acceptance of the Majority Report but I just wanted the House to know my reason.

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

Mr. MORESHEAD: Mr. Speaker, I would just like to point out to the House if I might that we are involved here in trying to decide whether or not we can give in certain areas of the state full-time criminal prosecution which there is a need for. Now in the Majority Report we are offering this in our largest counties at a cost in the next biennium of \$106,000. The Minority Report which will offer it in all counties and have it come from the Attorney General's office rather than from the County Attorneys, it has a price tag on it of \$851,000 for the next biennium. So if we want full-time prosecution I suggest that we take it a step at a time and the Committee Amendment which is the Majority Report with a price tag of \$106,000 I feel is a moderate step towards full-time prosecution and that the bill 1611 with a price tag of \$851,000 is just too much for us to handle at this time.

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

Mr. DENNETT: Mr. Speaker, I will be very very brief. I would only ask those members who voted in the manner they did to stand fast.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: Early in this session we put the Clerks of Court back on the ballot, which is strictly a minis-

terial job. Now the Minority Report would take the County Attorneys, which the gentleman from Augusta, Mr. Lund pointed out is a job which there is a great deal of discretion, it is a policy making job, this Minority Report would take them off the ballot. I submit that it would be rather incongruous to put the Clerks back on in a ministerial position and take the County Attorneys off who are in a policy making position. So I support the Majority Report.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I think we should take one report at a time. I just want to state here I am against both reports. I have heard here that it would upgrade the County Attorney's office by giving him a full-time job. I don't know what you are upgrading, you all admitted that you had good county attorneys now. The only thing you are upgrading is doubling their salaries.

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

Mr. McTEAGUE: Mr. Speaker, I don't think that the solution offered by the Committee, the Majority solution of having full-time county attorneys in the more populous counties and retaining the present system in the counties with smaller populations is perfect. I think there are arguments to be made and there is perhaps a philosophical difference between the system of full-time State district attorneys and the system of the elected county attorneys. However, being a lawyer who has at least some criminal practice and residing on the boundary between Sagadahoc and Cumberland County, Sagadahoc of course being one of our smaller counties both in area and population and Cumberland being our largest county in population and probably the county that has the most significant problems in the area of criminal prosecution, I can say that I think this will work a significant improvement in Cumberland County.

Sagadahoc County also needs help but there seems to be a ques-

tion of whether we can provide funds in all the counties. This seems to me to be a first good step to improve the prosecution of crime in this state and particularly in the populous counties where the problem is most overbearing.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Morehead that the House accept the Majority "Ought to pass" Report in new draft in concurrence. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Berman, Bernier, Birt, Boudreau, Bourgoin, Brennan, Buckley, Burnham, Carey, Casey, Coffey, Cottrell, Cox, Croteau, Curran, D'Alfonso, Danton, Donaghy, Drigotas, Dyar, Evans, Farnham, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gauthier, Gilbert, Giroux, Hanson, Hawkens, Henley, Heselton, Hewes, Immonen, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Kilroy, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lund, Marquis, Martin, McKinnon, McNally, McTeague, Meisner, Mills, Mitchell, Moreshead, Morgan, Norris, Noyes, Payson, Quimby, Sahagian, Santoro, Shaw, Shetra, Snow, Starbird, Susi, Temple, Thompson, Tyndale, Vincent, Watson, Waxman, Wheeler, Wood.

NAY—Bedard, Benson, Binnette, Bragdon, Brown, Carrier, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Couture, Crommett, Crosby, Cummings, Curtis, Cushing, Dam, Dennett, Durgin, Erickson, Eustis, Finemore, Hall, Hardy, Harriman, Haskell, Hichens, Huber, Hunter, Jalbert, Jameson, Kelleher, Keyte, Laberge, Lawry Lewis, Lincoln, MacPhail, Marstaller, Millett, Nadeau, Ouellette, Page, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Scott, C. F.; Scott, G. W.; Soulas, Stillings, Tanguay, Trask, White.

ABSENT—Barnes, Bunker, Dudley, Emery, Good, Mosher, Ross, Wight, Williams.

Yes, 80; No, 61; Absent, 9.

The SPEAKER: Eighty having voted in the affirmative and sixty-

one in the negative, the motion does prevail.

Thereupon, the New Draft was given its two several readings and assigned for third reading later in today's session.

On request of Mr. Benson of Southwest Harbor, unanimous consent was granted that unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, that the Clerk be 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 would be in order.

The following paper from the Senate, appearing on Supplement No. 2, was taken up out of order by unanimous consent:

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House a Bill providing funds to make effective the Acts which have been passed to be enacted, and the Resolves which have already been finally passed and Making Additional 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. 538)

Came from the Senate read and passed.

In the House, the Joint Order received passage in concurrence.

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

Mr. TEMPLE: Mr. Speaker, having voted on the prevailing side I would like to ask for reconsideration of L. D. 810.

The SPEAKER: The gentleman from Portland, Mr. Temple moves that the House reconsider its ac-

tion on House Paper 622, L. D. 810, An Act relating to Contracts of Loans under Small Loan Agency Law, which was passed to be enacted earlier in the day. The pending question is reconsideration.

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

Mr. COX: Mr. Speaker and Ladies and Gentlemen of the House: We had a lengthy debate on this matter this morning. We debated it a few weeks ago and I think the House has finally decided what they should do with this bill. I ask you to vote against the motion to reconsider this action and let us go to lunch.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: Earlier in the debate on this bill there was mention made of the lobby. Between the time we passed this and right now I have seen the biggest lobby job done by two of those gentlemen from the other body and if the paid lobbyists had done it it would have been just plain bribery. I urge you to vote against reconsideration of this bill.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to advise the gentleman from Manchester that the lobbyists he was talking about were elected by the people, whether they are elected to this body or to some other body. The other lobbyists are people and again they are good friends of mine, they are attorneys, they are acting in the finest traditions of their professions, but if I may use a metaphor, they are hired guns. They are up here for the small loan interests and the small loan interest has a right to counsel. But since the last vote on this measure I have talked to several people that they feel much differently about it and have had a chance to get a little more information on it, so I urge you to support the motion for reconsideration of the gentleman from Portland, Mr. Temple.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to say one word wherein it concerns the measure itself. I read with some mixed feelings and emotions the articles as was printed in the record of the last legislature. Now among the people that we have in the Third House, a former National Committeeman, a former Attorney General, among the people in the Third House is a former President of the Senate, and I could go on and talk about the people that are in this House, and for me I think in calling these people hired guns is an insult to the integrity of these fine gentlemen.

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

Mr. BERMAN: Mr. Speaker and Members of the House: If we would be calm and dispassionate on this matter chances are we wouldn't hear such words as bribery and hired guns and this and that. I really think what it comes down to in the final analysis is whether we are going to be on the side of the small people of the State of Maine, the little people of the State of Maine, or the small loan companies. And for that reason even though the hour might be a little late, and the electronic machine is working, I would respectfully ask for a roll call.

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

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: I voted on the prevailing side, I am not switching my vote, and the reason for this is this. In my business experience over a great many years I have come to the conclusion that the whole philosophy behind this type of borrowing is wrong, never encouraging the borrower to pay the principal back. This is what I disagreed with. And for this reason and some other reasons too which I will not bore you with at this time I hope that you will reconsider this matter.

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

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

are quite a few people that have asked me questions on this bill a few minutes ago and I have answered their questions and for this reason I would ask that you would vote for reconsideration.

The SPEAKER: Is the House ready for the question? The gentleman from Houlton, Mr. Berman moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote on the reconsideration motion will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Temple that the House reconsider its action of earlier in the day whereby L. D. 810 was passed to be enacted. If you are in favor of reconsidering the enactment of this Bill you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Berman, Bernier, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Clark, H. G.; Coffey, Corson, Cottrell, Couture, Croteau, D'Alfonso, Danton, Dyar, Emery, Farnham, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gauthier, Giroux, Hawken, Heselton, Hewes, Immonen, Kelleher, Kelley, R. P.; Lebel, Leibowitz, LePage, Levesque, Lewin, Lund, Marquis, Marsteller, Martin, McKinnon, McNally, McTeague, Millett, Mills, Mitchell, Nadeau, Norris, Noyes, Ricker, Rocheleau, Tanguay, Temple, Tyndale, Vincent, Watson, Waxman, Wheeler, Wood.

NAY — Bedard, Benson, Birt, Bragdon, Brown, Buckley, Chandler, Chick, Clark, C. H.; Cote, Cox, Crommett, Crosby, Cummings, Curran, Curtis, Cushing, Dam, Dennett, Donaghy, Drigotas, Durgin, Erickson, Eustis, Evans, Good, Hall, Hanson, Hardy, Har-

riman, Haskell, Henley, Hichens, Huber, Hunter, Jalbert, Jameson, Johnston, Jutras, Kelley, K. F.; Keyte, Kilroy, Laberge, Lawry, Lee, Lewis, Lincoln, MacPhail, Meisner, Morgan, Mosher, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Starbird, Stillings, Susi, Thompson, Trask, White, Wight, Williams.

ABSENT — Barnes, Binnette, Bunker, Dudley, Finemore, Gilbert, Moreshead, Ross, Santoro.

Yes, 65; No, 76; Absent, 9.

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

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland, recessed until three o'clock in the afternoon.

After Recess
3:00 P. M.

The House was called to order by the Speaker.

The SPEAKER: The Chair will call your attention to Supplement No. 3.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Revise the Liquor Laws" (H. P. 1224) (L. D. 1556) reporting that the House recede from passage to be engrossed and from adoption of Senate Amendment "A" as amended by House Amendment "A" thereto and from adoption of House Amendment "A" to Senate Amendment "A"; that the House indefinitely postpone House Amendment "A" to Senate Amendment "A"; that the House adopt Senate Amendment "A", adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by House Amendments "A" and "B", Senate Amendment "A" and Conference Committee Amendment "A"; that the Senate recede and concur with the House.

(Signed)

DENNETT of Kittery
HICHENS of Eliot
TANGUAY of Lewiston
—Committee on part of House.
BERRY of Cumberland
BOISVERT

of Androscoggin
CONLEY 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 Senate Amendment "A" as amended by House Amendment "A" thereto and from adoption of House Amendment "A" to Senate Amendment "A". House Amendment "A" to Senate Amendment "A" was indefinitely postponed. Senate Amendment "A" was adopted. Conference Committee Amendment "A" was adopted. The Bill was passed to be engrossed as amended by House Amendments "A" and "B", Senate Amendment "A" and Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

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

Messrs. BENSON
of Southwest Harbor
HASKELL of Houlton
RICHARDSON
of Cumberland

The following papers from the Senate were taken up out of order by unanimous consent:

The following Orders:

ORDERED, the House concurring, that the State Librarian be

directed to forward bound copies of the Legislative Record to members of the Senate and House and to the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House, at their home addresses (S. P. 533)

ORDERED, the House concurring, that there be prepared after adjournment of the present session, under the direction of the Clerk of the House, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve, and that there be printed six hundred copies of the same. The Clerk of the House is hereby authorized to employ the necessary clerical assistance to prepare such register. The Clerk shall mail a copy of the Register to each member and officer of the Legislature and the State Library shall receive such number of copies as may be required (S. P. 535)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use (H. P. 878) (L. D. 1121) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in the House on June 19.

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

In the House: On motion of Mr. Evans of Freedom, the House voted to recede and concur.

The SPEAKER: The Chair will call your attention to Supplement No. 4.

Passed to Be Engrossed

Bill "An Act to Provide for Full-time County Attorneys" (S. P. 528) (L. D. 1610)

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

The Chair laid before the House the first item tabled earlier and assigned for later in today's session:

An Act Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect Thereto (H. P. 860) (L. D. 1102)

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

The Chair laid before the House the second item tabled earlier and assigned for later in today's session:

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

Tabled — June 24, by Mr. Birt of East Millinocket.

Pending — Adoption House Amendment "B" (H-580).

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

The Chair laid before the House the third item tabled earlier and assigned for later in today's session:

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)

Tabled — June 24, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

House Amendment "D", being L. D. 1613, was read by the Clerk.

The SPEAKER: The gentleman may proceed.

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

House: The time has come in these Legislative Halls to see just how much water has gone over the dam and to see if we can consolidate our forces to provide for the continuous service of the operation of our state government in a democratic society.

As was outlined to you yesterday afternoon very briefly, this new amendment to provide the operation of the supplemental budget for the next year and a half or two years, provides for a 4% Corporate Income Tax and a graduated Income Tax at a level from 1 to 6%. Most of you members of the House, this session of the Legislature, have by far seen more packages before you than I would assume in the last eight or nine legislative sessions. The reason for this, I am assuming, is because of the magnitude of our problems and in trying to solve them to provide the continuation of services to the people of our State.

The Budget document, Part II, and the tax proposal being offered this afternoon, as was indicated on several occasions, does not solve all the problems, and it does not make me all that happy. But I have doubts that in the last ten years that I have been in this Legislature, that in the final analysis, when the last span on the bridge has been put for commercial or individual traffic, that everybody was completely satisfied with the bridge. That is the budget and the amount of money to pay for it. We are now working on the last span on that bridge, and we are hoping that there will be enough commercial traffic in it and enough pedestrians on this bridge to be able to walk across it safely for the next two years.

This is not something that we are trying to shove down anybody's throat by saying you have got to vote for this, otherwise your little pet bill is going to go down the drain. We are trying to do this honorably, above the table, and free discussion by everybody. I hope that those of you who might have had some reservations, or that might have made some prior commitments,

that you may be able to see this afternoon that before we adjourn we must pass a supplemental budget. The days are getting shorter and shorter where we can offer proposals that can cover this budget. I hope and I ask you sincerely that you give the leadership of both political parties the sincerity and the dignity of your vote in supporting us so that we can pass this proposal and somewhat happily go home, and hoping that we have served the people of Maine justly. Thank you.

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

Mr. RICHARDSON: Mr. Speaker, I offer House Amendment "A" to House Amendment "D" under filing number H-599 and move its adoption and would speak to the motion.

Thereupon, House Amendment "A" (H-599) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: In this swirling hailstorm of amendments I think it is perhaps appropriate that we go back to the basic document and review some of the figures. The Press incorrectly reported, through no fault of its own, perhaps, the amount of revenue that would be generated by L. D. 1613 in its present form. The figure is not as has been reported in the area of \$52 million, it is rather in the area of \$49 million.

At the time this was prepared we wanted to take account for the possibility that in view of the fact that we have already taken action on such things as an excise tax, registration increases, increases in the fuel tax, and the previous increase in the sales tax, that it might be the judgment of the majority of the members of this House that it would be appropriate to repeal our previous action with respect to the auto trade-in.

Now the figure that we were given originally was \$9 million, but the corrected figure is \$11 million. The amendment that I offer then proposes that the amount

of the corporate tax, which was originally suggested before be set at 5% and if you adopt this amendment and the subsequent amendment that I shall offer on the automobile trade-in, it will put us at the \$43 million level which we have previously discussed.

Now I know that everyone here in the House has heard more than enough of speeches, but I do want to make absolutely sure that all of you know what the facts are. It seems to me that any thought of going back to the corporate income tax and the intangible tax package that was previously suggested is just not a realistic approach. Those who opposed the intangibles tax said time and time again, if you are going to single out one single class of income, you are being unfair, arbitrary and discriminatory. Rather than do that, I, and here fill in the name of the speaker, would rather see you adopt a personal income tax. When I refer to the speaker, I don't mean the presiding officer, I mean whoever it was that raised the objection to the intangibles tax. We must be very careful in these closing days you know that we don't inadvertently dive down the drainpipe.

Now I would like to second the remarks that have been made by the gentleman from Madawaska, Mr. Levesque. Of course all politicians by nature are vain, hypersensitive to criticism, and I suppose that I am just as guilty of that as anyone else. The Press has been lambasting the leadership of the two parties in both the House and Senate. The leader in the other branch has been criticized for being too nice a guy, by implication, too honest, too sincere, too matter of fact. The day is not so long past when the concept of leadership was that you call the legislator in, you confronted him with a battery of legislative leadership talent, you threatened him with the disaster of any little bill that he might have put in to serve the people of his district, you threatened to kill any bill that he put in regardless of the merits; and that species of leadership, I am delighted to say,

is no part of the leadership of either party in either the House or the Senate in this session. And of course, while I regret that the Press disagrees, I for one would have it no other way.

Now today there was a suggestion that because I had originally brought up this matter of an income tax, both personal and corporate, that there were some kind of political shenanigan in my requesting the gentleman from Madawaska, Mr. Levesque, to put his name on the amendment. Now let me indicate right now that there are many Republicans in this House who are just as dissatisfied with me, for in the haste of the morning, asking the gentleman from Madawaska to put his name on the amendment, as there are Democrats who are dissatisfied that my name isn't on it. There are many Republicans here in the House, and I shall not bother to name them, who would like to have their name on this bill because they think it is a fair, equitable, responsible solution, and I share that view.

The tax information that you have before you indicates, I think very clearly, that this is a fair tax, that it is the most reasonable solution that we can find, that it is a bitter political pill perhaps for some of you, but I ask you to put aside political considerations. Do not embark in speculation about who is getting hurt and who is being helped, for I have always found that speculation to be pointless and unproductive. And I hope that today we will adopt this amendment. I hope that we will subsequently adopt another amendment dealing with the auto trade-in, and I hope that we will vindicate the judgment of your leadership which says that reasonable people of good faith can work together without arm twisting, without partisan bickering, without in-fighting and throat cutting. And if I take nothing else away from this session, I hope that you will at least make it possible for those of us who served in leadership capacities to be able to honestly say that we dealt with you fairly and openly,

we presented the issues and let you make the judgment.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to start in this afternoon by reading my horoscope of today, and it says, "Enlightenment comes with subtle, all persuasive surprise. Your goals widen and change ever so slightly in direction." I am delighted with these two amendments which come as a surprise.

None of us have wanted to vote for an income tax, although I have consistently stated that in the last instance I would favor it as being the fairest. Also, several months ago few of us wanted to vote for the auto trade-in, but we had to be responsible in financing Part I before we were going to approach these other two major taxes. But I am convinced that the auto trade-in is a very unpopular tax. I am convinced that it will come back to haunt all of us, and I am now very happy to support the income tax with these two amendments.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Bath, Mr. Ross, says he is delighted. Personally I am both confused and amazed. I have witnessed in person, and I have witnessed over the radio, I have even watched the gentleman from Cumberland, Mr. Richardson on the football field, and I guarantee you right now that if the two gentlemen who are our leaders, the gentleman from Madawaska, Mr. Levesque and the gentleman from Cumberland, Mr. Richardson, weren't candidates for All-American for swift ball switching, they have got my vote right now. Insofar as this pie sweetener, many things occur to me wherein it concerns itself with removing \$11 million, now that we have raised the estimates on the trade-in from \$9 to \$11, by another ball-switching tactic, I was wondering whether or not these champions of pure and good and

clean government would not see fit to leave on the books of law now a tax that is already being collected so that we could revise a great many of the facets of the items in L. D. 918 to give more to our poor and unfortunate.

I am wondering in my own mind, with one sheet of paper from Tinkers to Evers to Chance being missing, just how we go about now going through the dreadfully expensive procedure of rehashing a tax program that has been in effect for now twenty-five days. This measure here, which in itself is another form of income tax, a graduated income tax, to me is the worst of the income taxes. Number one, it is very expensive to collect, and for those who are within reach of my voice I assure you that you can get ready to set up another department to collect this little bobble. It is cumbersome, it is expensive and it hits the very people that are being continuously hit — the middle class, the person who is within the range of \$8,000 or \$15,000 or \$20,000. This starts even much lower than that.

I am one who has spoken loud and long in praise of the leadership when they first came out with their package. It would behoove me that the last speaker was so a little shaky in his comments that he had to ward off another amendment that has been talked of and discussed loud and long which is now before you on your desks.

Now assuming that this package would draw some \$54 million, and we would remove from it the tax on auto trade-in, let alone the items that we have taken off, let alone the L. D. 918 that we cleanly defeated, and I was one of those who spoke against the implementation of it because of the lack of money. I wonder if we subtract the \$11 million from the \$54 million that this package would draw, I wonder now what becomes of the additional monies that will keep one campus open so we are told, the additional monies for 1,000 more students, the additional money for Health and Welfare, and the additional money for state employees. Where does that come from? Because we make the board even when we subtract \$11

million from \$54 million, leaving a package of \$43 million which is too high, which when implemented will absolutely and positively plunge us two years from now into a double program of major taxation.

I read, and I read incidentally, and I am particularly happy that the gentleman is here on the left hand side of me from the Press, the Honorable William Caldwell, I don't mention the people on the right necessarily because they are our friends who we see every day, but I read and practically call him weekly to discuss this program with him. I am fully aware of the needs of the poor. I am fully aware that we could go further in our programs at the University of Maine. I am fully aware that we could do more if we had more programs in other areas. But are we also fully aware that it is John Q. Public who is paying these programs? For every one person who has written to me and spoken to me about additional programs, I have had 101 to one who have stated to me that we must cut down on taxation. There isn't a periodical that you cannot pick up — the last article was a consensus in a Reader's Digest that I happened to read last night, and I forgot my copy at home this morning, in which it says there is a tax revolt in this country, and this is so. I have never been one who has shirked my duty in refusing to pay for packages that I voted for. I have stood here and time and time again been more than highly criticized in my area because I voted for a tax package. My only answer to that was I have to be honest with myself, I voted for spending, I then have to vote for taxes.

Mr. Speaker and members of the House, it is also a fact that in the last few days of the Legislature some of us—and I am one of them—may get overheated in the course of debate or in the course of caucus or in the course of discussion. Insofar as I am concerned it is over even before it is said. I question my own self the fast shift, but the truth of the matter is this, that I cannot stand as I did yesterday and commend leadership and not today condemn it, and I am

not going to carry this situation any further.

However, with me I have always made it a point to stay with the identical facts as they are and when the last speaker states that several Republicans came to him and told him that they would rather have had this measure than the gentleman from Madawaska, Mr. Levesque, if I have any eye-brows at all I must raise them. That being the case, then I would suggest the last speaker would have gone shopping around in his own home before he went into our own tenement house, which believe me is somewhat bare.

I say and I contend that the public of Maine cannot afford, the paying public of Maine, who will get hit with this pointless argument and this piece of taxation, cannot afford it any longer.

As far as the trade-in is concerned, it isn't the middle class individual who trades yearly. Certainly it isn't the very poor. But it is the one that we can reach within the areas of surtax after surtax, and I am very happy to see the gentleman from Belgrade, Mr. Sahagian smile. At least there, in my opinion, is one that recognizes wealth when he feels it. (laughter)

The SPEAKER: The gentleman will be more temperate please.

Mr. JALBERT: I assure you, Mr. Speaker, I was not being intemperate, I was being very envious. (laughter)

Mr. Speaker and members of the House, this piece of legislation softened up with legislation that is already on the books, mind you, for twenty-five days is a little bit ridiculous. And because the Speaker might call me intemperate I will leave my words there, "mildly ridiculous," but if anybody really wants to hear me giving vent to my feelings after I sit down we can sit in a cubicle somewhere and I will give my thinking with a few choice adjectives.

Insofar as I am concerned, I am stating now to the leadership of both parties that they had best get 101 on that board, or plus, because the moment it gets out of here and it goes in the other

branch and a signature is affixed to it without 101, I shall immediately initiate the referendum on this measure.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will try to be very brief because I feel this afternoon something like an old man drowning in a sea of liberalism. I was here some ten years ago when we had approximately 715 people on the state payroll. I note that in our snoop book this year we did get up to 2,295, and that same snoop book is where I got the figures. Now if we pass this present budget we will be putting—and I have done the best I could keeping count, we have been hiring people so fast by so many bills it is hard to keep run of them. But to my best recollection and what I can gather from figures there is about 281 according to this budget—now I may be off one or two because I admit it is kind of hard to keep up with—about 281 in the Current Services budget—about 18 or 20 in Current Services rather, and this new budget about 281 and in the Highway budget about twenty. This amounts to 421 people that you intend to put on state payroll and if you was to project these figures for ten years this would be 4,210.

And in the last ten years we thought we was holding it back when we kept it down to an increase of 1580. I think it is getting a bit out of hand and the public that I represent here know it is out of hand by virtue of all their letters and conversations with me, and I am not particularly afraid of taxation. I am afraid of a revolt from the people that I represent and they feel very strongly that they don't want more services. It is the taxes that they are not kicking about. We know that the only way to stop these services, and the people are around selling services, is not to give them the money to operate on. And I will be against any proposition that comes before this House that expands services to the extent of putting more people on the payroll.

I am not opposed to increasing some state subsidies. I am not opposed to paying the proper salary to the men that you have now. But I do throw out the anchor, so to speak, when you try to put more people on the payroll, because if there is anything the people at the end of the state that I represent do not want is more people on the payroll or more services, and this new budget sure does do the very thing that they don't want. And for this reason, and it is in my opinion a very good reason, I will not go along with any proposal that does this. Thank you and thanks very nicely for listening.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: To one who has sat through a lot of hearings on the Taxation Committee in the last four sessions dealing with our tax structure and its different aspects, and to all of us who know that the graduated income tax and the sales tax have been the necessary workhorses of state revenue all throughout our great country, and to all of us who know that we are at the end of the line, that there has been perhaps sufficient agreement on the size of our budget, it seems to me that now is the appointed time when our State should pass another horse to the team that has to pull our appropriations. The graduated income tax distributes the tax burden equally, the low rates, the liberal exemptions, help to do that.

I think to know something is to love it, or perhaps hate it, but you certainly can't like it unless you know it, and I know that when you take the tax rate schedules home to your people they will be amazed and surprised that we haven't had a tax like this perhaps before. I also think that now is the appointed time for us to forget our perhaps — our own constituencies, our own partisan politics, and to think of our state and to join hands here today and vote for this tax.

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

Mr. CHANDLER: Mr. Speaker and Ladies and Gentlemen of the House: I can't help but feel that my friend from Enfield, Mr. Dudley is not wallowing in the sea of liberalism, but rather in a sea of antiquity. I also would say to Mr. Jalbert from Lewiston, that he should pull his eyebrows back down because I was one of the Republicans who went to Majority Leader Richardson and suggested that I would be proud to have my name on L. D. 1613.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: When I ran for this seat back last fall I was asked by a number of people back in my community would I support a personal income tax and at that time I told them I wouldn't. And I am not going to support it now. And as Mr. Dudley stated, there may be a sea of liberalism in here but I can't really consider myself a liberal, and I try to be a little conservative. Now back home in business we do a lot of business with the cross section of the people of Bangor and I have yet to have anyone come and tell me that they want these additional services or expansion of State Government, and I am not going to vote against their wishes. And I now move for the indefinite postponement of House Amendment "D" and I request a roll call.

The SPEAKER: The Chair would advise the gentleman the pending question is the adoption of House Amendment "A" to "D".

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

Mr. KELLEHER: Mr. Speaker I move indefinite postponement of House Amendment "A" to Amendment "D".

The SPEAKER: The gentleman from Bangor, Mr. Kelleher moves the indefinite postponement of House Amendment "A" to "D". Is the House ready for the question?

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly this afternoon I certainly hope that the members of this House realize at what stage we are at and if we are ever going to realize the day in the very near future where we may be able to go home from this legislative session with having tried to accomplish what we think is at the present time a reasonable package, I hope that the members of the House will certainly join me in voting against the motion to indefinitely postpone House Amendment "A".

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

Mr. BENSON: Mr. Speaker and Members of the House: I am not going to begin to stand before you and tell you something that you have already heard before. I just remind you that we are, believe it or not, in the closing hours of the legislative session. We have today considered, I think, every tax possibility there is available to us. We have, true enough, considered the income tax before. We have, true enough, considered the corporate tax before. We are right down to the wire now and if you have any intention whatsoever of funding our Part II budget, the time is now. I don't think that anyone can seriously say that we have time, nor do we individually or collectively have the patience to toy around with more tax packages. I ask you with every bit of sincerity that I have to put aside any petty differences that you may have with your neighbor, with your Party, with your opposing Party. Vote for this measure for engrossment here today and let us wind up this session with what I consider to be the very least worry that we can possibly attain and that is to at least enact into law the minimum acceptable Part II budget and I refer to it as this because it is a compromise. It is like politics the art of the possible. It is something that we as two Parties can agree on; in other

words, a middle of the road. I ask you to defeat this motion for indefinite postponement of part of this tax package and let us finish our legislative session in order and I think with pride.

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

Mr. KELLEHER: Mr. Speaker, I would like to withdraw my motion for indefinite postponement, so I will be able to put in a motion to kill the whole amendment when we get to it.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher withdraws his motion to indefinitely postpone House Amendment "A".

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: It is with a lot of reluctance that I arise to speak today because we read in today's paper that the tax reform is imperative on the federal level where the 10% surcharge is being denied the present administration by the legislators on Capitol Hill in Washington, D.C.

We also read in the paper today that the Governor of Peru, in Latin America, with tears in his eyes has nationalized the lands of Peru and intends a just and fair distribution of these lands to his people. He recognized that land reform was imperative. The State of Maine has now reached in its operational expenditures where some degree of reform is necessary and the late Governor Percival Baxter as far back as 1923 has warned us lawmakers that there was inequity and injustices showered upon the shoulders of the people of Maine in the taxation process of this state.

He told us that there were many privileged and exempted classes not paying any taxes and these groups should be paying their fair and equitable share of taxes and before we in this legislative body vote once again an unbearable onus for them to drag around the hills, rivers, lakes and the coastal areas of this most wonderful State of the Union, again I reiterate my convictions that too many of us during the past six months have lost touch with our constituents. I have a case in point which I will

not talk about today but came to my attention last night where through bureaucratic process and bureaucratic rules and regulations help is being denied because of some technical regulation where a man, his wife and three children, a man who is about to go to the hospital in another state, a man who has not worked for three months, cannot receive any assistance because he has a little bit too much of life insurance for himself, his wife and his three children. He has \$3,000 worth of life insurance on his person, \$1,500 worth for his wife and a thousand for each child, but because of a bureaucratic regulation he cannot receive aid at this time.

Governor Curtis I believe is so right because he has a goal to eliminate the unnecessary conditions that happen throughout this state. Governor Curtis is right. Unfortunately I believe he is surrounded by some selfish bureaucrats and possibly some advisors who, although meaning well, have not sagely advised the Governor on his quest for the elimination of said injustices in this state. We have too many children going to bed hungry at night as previously reported by the great representative from Portland, Representative D'Alfonso.

It is our duty today to deny funds to the perpetrators of these conditions and to further their selfish, callous and indifferent interests in the continued protection of the privileged and the exempted classes. Let us tax them to help us support the deserving needy. They need the help and they are not getting it.

Let us consider a good tax program to fund some of the Governor's programs. Part I of the budget 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 this week.

We should adjourn now, speak with our constituents, find out what they want and we have a fairly good idea of what they want,—they want no more taxes—return at a later date and enact a realistic foundation to support a good Part II budget.

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

Mr. EMERY: Mr. Speaker and Members of the House: I have not spoken out on the subject of taxes this session but I intend to today. My people have informed me they do not want a further increase in sales taxes this year. They do not want an income tax. I discussed this with various members of Unions, with members of various factories, people in all walks of life. No one, one who I have spoken to wants any part of either of these taxes. In my part where the average increase in wages has risen but \$6 per week over the past two years the working people and the small businessmen are having a very hard time. The other increases in costs of medical and hospitalization insurance, the increase in federal taxes, all have contributed to the problems that our people face. The problem of maintaining a minimum standard of living is very difficult. I cannot see as how any more sales tax or personal income tax is going to help the situation.

I am not going along with the leadership of either Party in this respect. If this sales tax or income tax goes through you will witness a great voter revolt in this state. The argument is that the people demand this and demand that. It is my contention that most of the demands come from social workers and from the already overpaid heads of State departments, departments that are already overburdened with staff and with tendencies to mushroom into a still larger bureaucracy. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: To continue very briefly I think the remarks presently made by Mr. Emery of Auburn is exactly what we have been trying to do for years. I am very sure that the people that he referred to around the City of Auburn that might be working in a factory, that very few of them will have to

be paying any considerable amount of the tax package that is presently before them. We are trying to impose a tax on the general public to pay for the services of which we have been trying to do, as Democrats, and I am sure as Republicans, that will not impose a tax on the poor people that are trying to raise a family by working in stores or factories or in other categories such as that.

The present imposition of the graduated one to 6% personal income tax in my humble estimation will not affect these factory workers one cent in the next two years. If somebody wants to hide behind a blanket of having talked to a lot of people, I have talked to as many as any other member in this House and I personally feel that this graduated income tax is not going to affect the low income brackets of which Mr. Emery has talked to you about.

The gentleman from Lewiston earlier, Mr. Jalbert, has indicated that we are going to tax the middle class income. Throughout my tenure in office, and I am sure Mr. Jalbert, we have advocated that we don't want to tax the poor people again. If the middle income bracket falls in the category of 10 or \$15,000 a year I am pretty sure that in this day and age under this graduated personal income tax they will not be as readily affected as other forms of taxes that might have been proposed or that could have been before this Legislature or if this one is not enacted the next one that may be acceptable to the members of the House may affect the poor people that we have talked about.

Presently we have some members of our society that are going in the State of Maine, that are making relatively good money, 20, 25, 30 probably \$50,000 a year. We are only asking those people that are not paying their fair share to help pay a fair share on the operation of State government.

I think the gentleman from Lewiston, Mr. Jalbert, has indicated earlier that he might have been confused and amazed at the ball switching. Well at times I tend to be confused also and there

are times that I also feel very much amazed at what some people will try to do in order to impose their wishes on others. As the same gentleman has indicated or implied that the leadership of political parties were trying to be pure, clean and good.

If that is the impression that I, as one of the Floor leaders have indicated, then I resent it. I have never left the implication to any individual member of this House or any group member of this House that I claimed to be pure, clean and good. But what I have tried to do as Minority Floor leader is to discuss matters with the members of the House that had information, that requested information, if I could be of any help then I did it. But I would not do it at the price of trying to ride over somebody else in order to acquire these goals. I have tried to do my job as the Minority Floor leader honestly and above board and any member of this House that would have asked me to do something to discredit another, I would have completely refused it.

I think that the members of this House that might have been here at some earlier years might have seen that wheeling and dealing in the making of laws in surrounding areas other than in the offices of the State Capitol, but that was days gone by. Let us try to enact the laws which will be fair to the general public honestly and aboveboard and that I can only ask of any member of this House. At anytime that I have dealt with them I have tried to deal with them honestly and aboveboard and I don't think that it is in my power to have to go around the halls of the House or the other branch and corner people to have them come my way. I like to talk with them and hope that they can agree with me.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I am convinced by the arguments over the past six months that the needs are there

to finance a Part II of the budget. If you are likewise convinced, then the question is how do we fund those needs. I submit that the tax package presented right now in this amendment is eminently fair. I think we all basically believe in the ability to pay principal. I don't think the Democratic Party or the Republican Party has any real lock on that. Now I think this amendment really meets that test of ability to pay. It is the fairest tax package or the fairest tax proposal I have seen here in the three terms which I served here in this House and I think that this House must be responsible and support this responsible tax package.

Now I appreciate there are many of us who have predicted that there would be no income tax this session. I ask those of us who have said that to put their pride behind responsibility, put responsibility first, their pride second, and support this package that I think is a very fair package and I think if you will closely examine it you will agree. So I urge you to support the adoption of this amendment.

The SPEAKER: The pending question is the adoption of House Amendment "A" to House "D", is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The pending question now is the adoption of House Amendment "D" as amended by House Amendment "A" thereto.

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

Mr. KELLEHER: Mr. Speaker, I now move indefinite postponement of House Amendment "D".

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, now moves the indefinite postponement of House Amendment "D" as amended by House Amendment "A" thereto.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Appropriations Committee that sat and listened to requests and demands from state employees, from

private citizens and from legislators throughout the six months that we have been here since January 1st, I became convinced that the needs were there. There is no question that the budget of \$80 million, Part II that was requested, has now been cut to approximately 50%. There is no question that we also removed some \$3 million from the Part I budget. It is also interesting to not that of the 280 some odd employees that are requested in the Part II budget, some 200 of those are going in mental institutions and correctional institutions of this state.

And I know you have heard me say it before but I want people to know that we cannot go home without doing nothing. We cannot simply adjourn and say we will be back in October, we will be back in January or we may never return. The need is there, the need must be met and so the question arises, how do we fund it? I am not concerned as to what shift anyone has made. All I can tell you is that by voting for this amendment today I personally am going to lose money because I was going to make out much better under the so-called five and five originally proposed by the gentleman from Madawaska. But under the Richardson proposal I am afraid that it is going to cost me a little bit more money. But I am willing because I feel that the need is there. It must be met; I am willing to pay for it.

When we talk of inequities in taxation I think one of the most inequitable taxes, which everyone seems to admit to, is the auto trade-in, which we have an opportunity today to remove. If we vote for this program we can remove the auto trade-in which supposedly hurts the small individual back home.

We have been told that this tax is unjust, is not as fair as the other income tax as was proposed. I spoke this afternoon with Maurice Williams, the Commissioner, who told me that this was by far the fairest income tax proposal thus far proposed to this House. He said this and he meant it. He felt that it was going to get to the

money rather than simply being a tax on top of a tax and that it would not be entirely to the whim of the Federal Government.

I feel it is time that individual members, both Democrats and Republicans, support a program which will fund the Part II budget because it is my contention, from what I have seen in the institutions of this state, that we cannot go home; we must do something today. And so I am opposed to the motion made by the gentleman from Bangor of indefinite postponement. And, Mr. Speaker, I request that the vote be taken by the yeas and nays.

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

Mr. SAHAGIAN: Mr. Speaker I am not rising on my feet for this bill or against this bill. I haven't made up my mind yet. But I would like to pose a question through the Chair to anyone who may care to answer as to what would be the cost of starting this department and the method of collecting the taxes and what is it going to cost us to the already collected automobile trade-in or what have we that we are going to revert back again to. If someone can answer that question it might help me make up my mind as to how I will vote.

The SPEAKER: The gentleman from Belgrade, Mr. Sahagian, poses a question through the Chair to anyone who may answer if they wish.

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

Mr. JALBERT: Mr. Speaker and Members of the House: To begin the collecting of this program the request is \$25,970 for the first year per capita, \$23,000 per capita, for all other, \$49,100, and \$60,800 for the second year; for personal services, new employees for the first year \$89,765; for the second year, 22 employees, \$149,604; for a grand total of \$377,539.

Now in answer to the second part of the question as to what you are going to do to return the money to the hundreds of people who have made transactions in automobiles, where that is going to be set up and how you are going to give the

money back—and if this is in the law to give the money back and how that transaction is going to happen I would have to be chance.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Accepting at face value the statement by the gentleman from Belgrade that he has not made his mind up on a personal income tax and perhaps to more fully answer the question that was posed by that gentleman, the so-called "Richardson Proposal"—and I accept that definition of this proposal, and you may think I have a perverse sense of pride, but I am proud of the fact that at least some members of the administration that believe that this is the best income tax proposal to come before the House—the difference in cost of collection between the proposal offered by the gentleman from Madawaska, Mr. Levesque of some days ago, which would apply a surtax in effect on your federal income tax—the difference in the cost of collection amounts, as you know from attending the caucus of yesterday about \$100,000. In exchange for which we set the reduction levels, we control the amount of revenue to be generated, and we in fact have a tax bill before us which I believe, if it became law, would be considered a model of personal and corporate income tax legislation in the United States.

Now the cost of collection is approximately \$1.1 million and rather than kid you about the result, it is obvious to everyone in this room that an income tax, to go to a new source of revenue, is expensive. There is no question about that. The point is that I believe that it is time that we went to that new source of revenue, and I for one can vote for this without any reservations whatever.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher that House Amendment "D" as amended by House Amendment "A" thereto be indefinitely postponed.

The gentleman from Eagle Lake, Mr. Martin, 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 and 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 Bangor, Mr. Kelleher, that House Amendment "D" as amended by House Amendment "A" thereto be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no and the Chair opens the vote.

ROLL CALL

YEA — Berman, Bragdon, Buckley, Carrier, Carter, Clark, H. G.; Cote, Couture, Crommett, Crosby, Cushing, Dennett, Donaghy, Dudley, Durgin, Emery, Evans, Fecteau, Foster, Giroux, Hanson, Hardy, Henley, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Jameson, Jutras, Kelleher, Kelley, K. F.; Laberge, Lee, LePage, Lincoln, Marquis, Marstaller, McNally, Moreshead, Payson, Rand, Ricker, Rideout, Rocheleau, Sahagian, Scott, G. W.; Sheltra, Snow, Soulas, Tanguay, Wight, Williams.

NAY—Allen, Baker, Barnes, Bédard, Benson, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Brown, Burnham, Carey, Casey, Chandler, Chick, Clark, C. H.; Coffey, Corson, Cottrell, Cox, Croteau, Cummings, Curran, Curtis, D'Alfonso, Dam, Drigotas, Dyar, Erickson, Eustis, Farnham, Faucher, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gilbert, Good, Hall, Harriman, Haskell, Hawkins, Heselton, Johnston, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Levesque, Lewin, Lewis, Lund, MacPhail, Martin, McKinnon, McTeague, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Norris, Noyes, Ouellette, Page, Porter, Pratt, Quimby, Richardson, H. L.; Ross, Scott, C. F.; Shaw, Starbird, Stillings, Susi, Temple, Thompson,

Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Wood.

ABSENT—Bunker, Danton, Gau-thier, Leibowitz, Nadeau, Richardson, G. A.; Santoro.

Yes, 54; No, 89; Absent, 7.

The SPEAKER: Fifty-four having voted in the affirmative and eighty-nine in the negative, the motion to indefinitely postpone does not prevail. Is it now the pleasure of the House to adopt House Amendment "D" as amended by House Amendment "A" thereto?

The motion prevailed.

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

House Amendment "F" (H-598) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen: House Amendment "F" under filing number H-598 is the repeal of the auto trade-in. It was incorrectly implied by one of the earlier speakers that we were involved in some sort of a refund situation. To go that route would impose in my judgment an absolutely impossible administrative burden on the Tax Division and would not really improve a great deal.

Now you are talking about pride—I wish that it were different, I wish that we did not have to be as legislators in the position of reworking and redoing something that we had previously taken action on. But I have no false illusions about the Legislature. I know that many times we examine situations, we debate, we discuss, we analyze, we study, and we have the right just as anybody else does to change our minds and to take the action we think in the last analysis is in the best interests of the people of this State. Now I want to make absolutely clear because I have received some notes from several of you. The level of spending under this proposal is not \$54 million. The level of spending, on the basis of the available information as to expected revenue potential, has put us at precisely the same level that

we were with at 6 and 2 with perhaps some minor difference, and that figure is \$43,500,000.

So those of you who are coming back and saying the budget is too high, you are going right back over the same ground; this budget has been discussed, the amendments have been offered, some were accepted, others were rejected. Either it is the judgment of the great majority of you that you don't want to abandon the first year of the school subsidy, it's your judgment that you do want to relieve municipalities of the 18 per cent contribution to ADC. It is the judgment of the Legislature that you want to meet and possibly divert an impending crisis in our state correctional and health institutions, and for that reason we having been all through this, I suggest to you that 43.5 is a responsible program. We have cut a ridiculously high recommendation in half. I think we have done our work, we have done our job, and therefore I hope that we will adopt in its final form this program.

Thereupon, House Amendment "F" was adopted.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: To make sure that there is no disillusion between the leadership and the members of my party I am going to ask that the members of my party and the members of the other party, that on the engrossment part of this package to give us the help and support needed to pass this document to be engrossed. I feel that the hour is not near but the hour is here. So therefore I ask that when the motion to accept this to be engrossed it be called by the yeas and nays.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque moves that when the vote on engrossment is taken that it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those

opposed will vote no. The Chair opens the vote.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman who spoke previously mentioned the fact that this bill was not in effect going into a spending program of \$54 million; it was going into a spending program of \$43,600,000. Now a few weeks ago I made a projection and my projection was that if we went around the area of \$45 million, and this is close to it, that we would plunge ourselves into a problem of a double major tax at the next session. Over one and a half of this double major tax would be for Current Services, to keep the store open as I often use.

The Commissioner of Finance, Mr. Williams was brought into this thing this afternoon and in that I would not state what form of taxation he thinks is good or is not good, I think that as a Commissioner of Finance I certainly have the right to answer you the question, to have to give you the answer to the question he gave people when he was asked in these words, to destroy my figures, his answer was, "I cannot destroy his figures because Mr. Jalbert's figures are even lower than I would estimate them."

Before we engross this bill and because I know that the leadership of both parties are men of high integrity and high esteem, they don't have to say it for themselves. I can say it for them. I would pose one question; the question is this: Based on the fact that my figuring is accurate, based on the fact that we have a 5 per cent sales tax now and we will have a corporate income tax of 5 per cent, with a 5 per cent income tax on the books now. Based on that fact and based on the fact that my estimates have been somewhat accurate, then what would the leadership propose, and I know the answer might be, "we will cross that bridge when we come

to it." But that is not the responsibility that I know, the integrity that I know that the leadership of both parties hold. For that reason then, what form of taxation in what amount should we expect for the 105th?

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: No one in the House and certainly not my self questions the ability of the gentleman from Lewiston, Mr. Jalbert, as an experienced legislator and as one who is able to review statistical evidence and make accurate projections, and I don't think that it is necessary for me to go into a long harangue about that. No one questions that there are built-in costs in government because of inflation, because of all of the built-in costs that make our daily lives more expensive, these reflect themselves in the cost of State Government.

Now the tax before you takes account of these trends. The personal and corporate income tax takes account of inflationary trends and I want to point out to you that the corporate tax before you has an effective date of January 1, 1969. The personal income tax, however, has an effective date of July 1, 1969 so that the estimated revenue from this program will be in the next biennium increased by a rather substantial amount. Now the difference, the difference in built-in costs, if that is the question before you, isn't varied substantially by this program and as I understood the gentleman from Lewiston, Mr. Jalbert some days ago that he felt that the 84 — \$85 million budget proposed by the Governor involved tremendous built-in costs, that we simply could not bear and he defended spending at this present level as giving a built-in cost factor that we could live with and we could meet. And new apparently times have changed, circumstances have changed.

Now every legislature that comes in here has to face the funding dilemma that it has before it but of all the taxes that we could enact this one and this one alone takes

account of inflationary increases, rises in the cost of living and all of these things. So if we are going to key a tax program to meet the built-in costs of State government that are not of our own making, then I think this is the tax that we should adopt.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Cumberland, Mr. Richardson has pointed out that there is a built-in phase in this income tax proposal that may be somewhat helpful to the members of the next legislature. This year, as I pointed out earlier, we are trying to weld together the last beams of a bridge which we think will serve the needs of our people presently and I do not dispute the figures used by the gentleman from Lewiston, Mr. Jalbert, that may very well be correct, projected two years from now. I think the members of that legislature might very well look upon the needs of the State then and then find what amounts of money need to be raised and I have no illusions that if the cost of living increases at the present rate that there will be a built-in cost increase in the next two years.

But primarily what we are trying to satisfy now is to satisfy some of the needs and I hope so will the next legislature.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: In just one sentence, it is an established fact that for every 1 per cent increase in the Gross National Product, state income graduate taxes increase 1.7 per cent, the highest rate of any form of state taxes.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Because I am apt to be forgetful I will touch first upon the last remark as made by the gentleman from Portland, Mr. Cottrell. His figures of tax income is correct but I

might also remind him that the general average of cost of government from its present level projected over a period of two years is on an average of 5 per cent, so that leaves us a gap there of 3.3 per cent. I might also remark wherein it concerns the remarks of the gentleman from Madawaska, Mr. Levesque, that what I am speaking about now on taxation for the next biennium is not, is not on improvements. It is on Current Services and all I want to do and I want to put it on the record, that when the key is flicked to vote for this \$54 million package with the \$11 million package taken off it, when the key is flicked you are voting yourselves into a double major tax program at the next session of the Legislature.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I was hastily going through some of the stuff I had on the Part II budget to a statement prepared by the gentleman from Lewiston, Mr. Jalbert which he indicated to us some two or three months ago that a \$28 million gap would indicate a major tax for the 104th while a \$48 million gap would indicate a double major tax for the 105th. I should have indicated also the \$28 million gap was also for the 105th.

Now I think we are talking closer to this \$28 million to which the gentleman referred to in his statement then than we are of the second and so I do not see really how we can get ourselves locked into a double major tax for the 105th. Secondly I would point out, as has already been pointed out, that the monies will increase. The revenue will increase with inflation in this type of taxation which it would not do under a sales tax or the present existing taxes that we are using. And third, that if the Part I budget in two years is that high then I think the Appropriations Committee should continue the work that it started this time for the first time in the history of the State in removing unfilled positions and actually

removing people that had jobs and also in removing monies in the all over; and with more time being spent in studying the Part I in the next legislature cuts can be made in programs that are wasteful, in programs that are necessary or in programs that are now out-lived, to curtail the spending of the Part I budget to a reasonable level.

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

Mr. PORTER: Mr. Speaker and Members of the House: When January 1st, 1971 rolls around somebody is going to be sitting in this seat 112 and I am sorry for him because he is going to be facing a terrific revenue gap. I am forced to vote against it.

The SPEAKER: The pending question is engrossment. The House will be at ease for a moment. Will the majority floor leader approach the rostrum?

House at Ease

Called to order by the Speaker.

Mr. Richardson of Cumberland was granted unanimous consent to address the House off the record.

Whereupon, on motion of Mr. Richardson of Cumberland.

Recessed for ten minutes or until the sound of the gong.

After Recess

Called to order by the Speaker.

Mr. Richardson of Cumberland offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-600) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, Ladies and gentlemen of the House: We are blessed in the Legislature with a hard working efficient staff, both Legislative Research, Legislative Finance and the many departments and agencies of State government that assist us in carrying out our work. They like we are human and an error was made in Section D of the bill in which it talks about a 6 per cent sales tax. Now of course we Republicans die hard and it might

be really fun to try to sneak it through but rather than do that we deleted the 6 cent sales tax and the bill is now in proper form.

May I say this for the benefit of our friends in the lobby, who you will note are all wearing six-shooters now, that they have been described as hired guns, assassins of the public interest and the like, that any necessary corrections, adjustments in order to make it, to clear up any difficulties can be done in the Appropriations wrap-up bill, so I don't think you need to have any concern about any technical deficiencies in the bill. Those can, if there are such, be straightened out.

Thereupon, House Amendment "G" was adopted.

The SPEAKER: The pending question is on 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" as amended by House Amendment "D" as amended by House Amendment "A" thereto and House Amendments "F" and "G", House Paper 1281, L. D. 1608. A roll call has been ordered. All in favor of the engrossment of this Bill as amended will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEAS — Allen, Barker, Barnes, Bedard, Benson, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Burnham, Carey, Casey, Chandler, Chick, Clark, C. H.; Coffey, Corson, Cottrell, Cox, Croteau, Cummings, Curran, Curtis, D'Alfonso, Dam, Drigotas, Erickson, Eustis, Farnham, F a u c h e r, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Good, Harriman, Haskell, Hawkens, Heselton, Hunter, Johnston, Jutras, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Levesque, Lewin, Lewis, Lund, MacPhail, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Morgan, Norris, Ouellette, Pratt, Quimby, Richardson, H. L.; Ross, Scott, C. F.; Starbird, Stillings, Susi, Temple, Tyndale, Vincent, Wat-

son, Waxman, Wheeler, White, Wood.

NAY — Bragdon, Buckley, Carrier, Carter, Clark, H. G.; Cote, Couture, Crommett, Crosby, Cushing, Dennett, Donaghy, Durgin, Dyar, Emery, Foster, Giroux, Hall, Hanson, Hardy, Henley, Hewes, Hichens, Huber, Immonen, Jalbert, Jameson, Kelleher, Kelley, K. F.; Laberge, Lee, LePage, Lincoln, Marquis, Marstaller, M c N a l l y , Meisner, Moreshead, Mosher, Nadeau, Noyes, Page, Payson, Porter, Rand, Ricker, Rideout, Rocheleau, Sahagian, Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Tanguay, Trask, Wight, Williams.

ABSENT — Berman, Brown, Bunker, Danton, Dudley, Evans, Fecteau, Leibowitz, Richardson, G. A.; Santoro, Thompson.

Yes, 81; No, 58; Absent, 11.

The SPEAKER: Eighty-one having voted in the affirmative and fifty-eight in the negative, the Bill is passed to be engrossed as amended.

By unanimous consent, was ordered sent forthwith to the Senate.

The SPEAKER: The Chair now will call your attention to Supplement No. 5.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legisla-

ture 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)

Reporting that the House recede from passage to be engrossed, adopt Senate Amendment "B" and pass the Bill to be engrossed as amended by House Amendment "E" and Senate Amendment "B";

That the Senate recede and concur with the House.

(Signed)

DENNETT of Kittery

CROSBY of Kennebunk

—Committee on Port of House.

WYMAN of Washington

DUQUETTE of York

LETOURNEAU of York

—Committee on Part of Senate.

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

The House voted to recede from passage to be engrossed.

Senate Amendment "B" (S-304) was read by the Clerk and adopted.

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

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.