

# 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

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**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, June 26, 1969

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

Prayer by the Rev. Mr. Leonard LeClair of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate  
Conference Committee Report**

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

Bill "An Act Concerning the Adoption of State Wards" (H. P. 760) (L. D. 980)

reporting that they are unable to agree.

(Signed)

CONLEY of Cumberland  
VIOLETTE of Aroostook  
MILLS of Franklin

—Committee on part of Senate.

LINCOLN of Bethel  
CURTIS of Bowdoinham  
OUELLETTE

of South Portland

—Committee on part of House.

Came from the Senate read and accepted.

In the House, the Report was read.

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

Mr. BERMAN: Mr. Speaker and Members of the House: This was one of the two occasions when our Committee was very gracefully defeated by a lady and I think that we are going to accept our defeat gracefully and I move that we concur and accept the report.

Thereupon, the Conference Committee Report was accepted in concurrence.

From the Senate: The following Communication: (S. P. 520)

State of Maine  
BUREAU OF PUBLIC  
IMPROVEMENTS

Augusta, June 5, 1969

To the Senate and House of Representatives of the One Hundred and Fourth Legislature

The 104th Legislature (H. P. 792 as amended by Senate Amendment "A") directed the Bureau of Public Improvements to study the status of state-owned land at the Augusta State Hospital lying east of Hospital Street, Augusta, Maine, and report to the Legislature.

Subject property, containing approximately 400 acres, is divided into two parcels separated by the Cony Road. The parcel located on the east side of Hospital Street and west of Cony Road is irregular in shape and contains approximately 326 acres. As a part of this property there is a residence at 99 Hospital Street and another on Cony Road. Also, there is a 30' x 36' barn in about the center of the area and a water main and a Socony Mobil gasoline pipe line traverse this parcel. This parcel contains an abandoned quarry, a former reservoir and there are ledge outcroppings in the quarry area.

The parcel east of Cony Road contains approximately 74 acres. From this area should be deducted the lot upon which the Department of Agriculture Building is located. This lot is square, measures 340' on each side and contains about 2.5 acres.

Northerly of the Agriculture lot and extending along Cony Road to privately owned land is a parcel of land containing about 3.5 acres that by Council Order has been transferred for purposes of supervision and control to the Department of Education.

Considering the frontage of both the above mentioned parcels, only about 360 feet of frontage remains on the easterly side of Cony Road.

Along Hospital Street all utilities are available. On Cony Road all utilities except sewers are available.

The soils of both parcels are in general most acceptable for agricultural purposes. However, the character of these soils in many areas are not acceptable for building purposes. The foregoing statement, of course, excludes reference to ledge which may also be undesirable for many purposes.

An appraisal made by Wesley O. Taylor and Associates indicates the value of the farm land, including

the two residences owned by the Department of Mental Health and Corrections, is \$236,000.00.

To implement the request of the 104th Legislature, the Bureau sent a memorandum to all department heads and agencies to determine any State requirements for land. Seventeen replies were received. Twelve departments expressed no requirements. Five departments expressed a point of view that indicated all or part of the so-called farm land should be retained by the State.

The State Highway Commission is in the process of making a comprehensive transportation study of the entire Augusta-Gardiner area. While it has not been completed, it appears very possible there may be a requirement for a substantial portion of this property. Preliminary studies by the Commission indicate the strong possibility for the construction of a third bridge over the Kennebec River linking the west side to the east side. At the present time a tentative location has been established which would require the use of a sizeable portion of Augusta State Hospital property. Although the Commission cannot at this time predict the time of construction of this bridge, it is most likely that it could be within the next twenty years.

Civil Defense has requirements for a warehouse and maintenance building in the Augusta area.

Kennebec County Soil and Water Conservation District might wish to acquire portions of the property for a demonstration area and the use of the existing barn.

Other departments are interested in state-wide storage facilities together with the expressed desire that the State retain sufficient land that might, at some future time, be utilized as a park.

It should be pointed out that for several years the Department of Mental Health and Corrections has been interested in a so-called "Third Institution" to which all persons committed to an institution (mental or correctional) could be placed therein for evaluation, treatment and final assignment. The 100th Legislature established a committee and provided funds

for a professional study to "Plan an Institution Serving as a Reception and Treatment Center".

This study indicated that this "Third Institution" would be located on the Augusta State Hospital Property and would occupy approximately 1,500 feet of frontage on "Piggery Road" so-called, and would contain approximately 75 acres.

The Bureau arranged a meeting with City officials of Augusta. Present were the City Manager and four councilmen along with Commissioner Kearns, representing the Department of Mental Health and Corrections. As a result of this meeting it was apparent that the City of Augusta, at the time, had no interest in or definite plans for the development of the area. The City would prefer, in case any land is released, that private interests acquire and develop it. The City also suggested that the State might wish to impose some reasonable restrictions at the time of transfer of title as to its future use and that space be reserved for recreational and educational facilities.

At present a portion of the land between Hospital Street and Cony Road is being used for the local Little League baseball and an application has been made to the Department of Mental Health and Corrections requesting an area for the City soft ball league.

A large portion of the land at Augusta State Hospital under consideration is being used for farm purposes. For some time the Department of Mental Health and Corrections has been phasing out farm operations at many of its institutions. The Department has reported to the Bureau that it intends also to phase out the farm operation at Augusta State Hospital. They do, however, indicate that this phasing out operation may take a year or two to accomplish.

If farming operations are suspended at the Augusta State Hospital, it would appear that a large portion of land might be available for disposal to private interests. However, the Bureau would recommend that, until definite planning is accomplished, the State retain ownership to the land in question

at the Augusta State Hospital. This recommendation is based upon the knowledge that State activities are continually expanding and along with such expansion there is an accompanying need for additional facilities and land. Secondly, there are two definite possibilities for the use of this land:

1. The proposed location of the "Third Institution".
2. The proposed location of the third bridge across the Kennebec River.

Once more definitive plans are completed on the above possibilities, the Bureau would recommend that disposition of the land again be reviewed and recommendations presented to a future Legislature.

Respectfully,

Signed:

NIRAN C. BATES, Director

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

From the Senate: The following Orders:

ORDERED, the House concurring, that the Secretary of the Senate shall, when the Senate is not in session, be the Executive Officer of the Senate and have custody of all Senate property and materials, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary service and make all arrangements for incoming sessions of the Senate, have general oversight of chambers and rooms occupied by the Senate, permit State Departments to use Senate property, dispose of surplus or obsolete material through the continuing property record section of the Bureau of Public Improvements, with the approval of the President of the Senate, and approve accounts for payment. The Secretary shall maintain a perpetual inventory of all Senate property of items costing over \$50. and make an accounting to the Senate upon request. (S. P. 532)

ORDERED, the House concurring, that there is created a

Joint Interim Committee to consist of 3 Senators to be appointed by the President of the Senate and 3 Representatives to be appointed by the Speaker of the House to make a detailed analysis of the functions, duties and general operations of the State Department of Inland Fisheries and Game to determine where possible, current levels of efficiency and the extent to which its funds are being properly utilized; and be it further

ORDERED, that the members of the committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties within the limits of funds provided; and be it further

ORDERED, that there is appropriated to the committee from the Legislative Appropriation the sum of \$200 to carry out the purposes of this order; and be it further

ORDERED, that the committee shall submit a report of its analysis, including any necessary legislation, at the next regular or special session of the Legislature. (S. P. 537)

ORDERED, the House concurring, that the State Budget Officer be and hereby is directed to furnish to the Legislative Finance Officer copies of all departmental budget requests and all information and data relating thereto submitted to him by all State departments, commissions and agencies as soon as same come into his possession. (S. P. 539)

Came from the Senate read and passed.

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

#### Non-Concurrent Matter

Joint Order recalling Bill "An Act Providing for the Taxation of Forests" (H. P. 876) (L. D. 1119) from the legislative files (S. P. 522) which failed of passage in non-concurrence in the House on June 25.

Came from the Senate with that body voting to insist on its former action whereby the Order was passed.

In the House: On motion of Mr. Bragdon of Perham, the House voted to adhere.

**Non-Concurrent Matter**

Resolve Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises (S. P. 391) (L. D. 1316) which failed of final passage in the House on June 25 and which was passed to be engrossed as amended by Senate Amendments "A", "B", "C" and "D" on June 23.

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

In the House: On motion of Mr. Farnham of Hampden, the House voted to adhere.

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

Resolve Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years (S. P. 491) (L. D. 1585) which was passed to be engrossed as amended by House Amendment "A" and House Amendment "C" as amended by House Amendment "A" thereto in non-concurrence in the House on June 23.

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

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

**Non-Concurrent Matter****Later Today Assigned**

Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary (H. P. 21) (L. D. 24) which was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence in the House on June 25.

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

In the House:

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

Mr. ROSS: Mr. Speaker, I would move that we recede and concur and then explain what the amendment is if I could.

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

The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Members of the House: I explained yesterday what Senate Amendment "A" was and that was that the President of the Senate and the Speaker of the House can call special sessions with the consent of the majority of each political party. Well now the other body has decided that that was not explicit enough and they now say "with the consent of the majority of the members of the Legislature of each political party." Because it would have been a little difficult to get the consent of the entire political parties of the State of Maine.

Whereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of Mr. Ross of Bath to recede and concur and assigned for later in today's session.

**Non-Concurrent Matter**

Report of the Committee on State Government on Bill An Act Increasing Salaries of County Attorneys and Assistant County Attorneys" (H. P. 1049) (L. D. 1377) reporting "Ought to pass" as amended by Committee Amendment "A" which Report and Bill were recommitted to the Committee on State Government in the House on June 13.

Came from the Senate with the Report and Bill indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Rideout of Manchester, the House voted to recede and concur with the Senate. (Later Reconsidered)

**Non-Concurrent Matter**

Report "A" of the Committee on State Government on Bill "An Act Establishing a Human Rights Commission" (H. P. 1050) (L. D.

1384) reporting same in a new draft (H. P. 1262) (L. D. 1592) under same title and that it "Ought to pass", Report "B" reporting same in a new draft (H. P. 1263) (L. D. 1593) under title of "An Act Creating a Human Rights Act for Maine" and that it "Ought to pass", and Report "C" reporting same in a new draft (H. P. 1264) (L. D. 1594) under same title and that it "Ought to pass" on which the House accepted Report "B" and passed the Bill to be engrossed as amended by House Amendment "B" as amended by House Amendment "A" thereto.

Came from the Senate with Report "A" accepted and the Bill passed to be engrossed in non-concurrence on June 24.

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

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

Messrs. RIDEOUT of Manchester  
MARSTALLER  
  of Freeport  
McTEAGUE  
  of Brunswick

**Non-Concurrent Matter**

Report "A" of the Committee on Taxation on Bill "An Act relating to Property Tax Administration" (S. P. 392) (L. D. 1340) reporting same in a new draft (S. P. 515) (L. D. 1604) and that it "Ought to pass", Report "B" reporting same in a new draft (S. P. 516) (L. D. 1602) under title of "An Act relating to Property Tax Appeals and Providing for Voluntary Assessment Districts" and that it "Ought to pass", and Report "C" reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in non-concurrence in the House on June 23.

Came from the Senate with that body voting to insist on its former action whereby Report "A" was accepted and the Bill passed to be engrossed and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. SEWALL of Penobscot  
  MARTIN of Piscataquis  
  KATZ of Kennebec

In the House: On motion of Mr. Susi of Pittsfield, the House voted to insist and join in the Committee of Conference.

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

Messrs. BRAGDON of Perham  
  EVANS of Freedom  
  DUDLEY of Enfield

**Non-Concurrent Matter**

Report of the Committee of Conference on Bill "An Act to Provide for the Interception of Wire and Oral Communications" (H. P. 769) (L. D. 1002) which was rejected in the House on June 25.

Came from the Senate with the Report accepted in non-concurrence.

In the House:

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

Mr. RICHARDSON: Mr. Speaker, an inquiry. If we adhere at this point this will mean that we would adhere to our rejection of the Conference Committee Report, is that correct?

The SPEAKER: Yes.

Thereupon, the same gentleman moved that the House adhere.

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

Mr. BERMAN: Mr. Speaker and Members of the House: The sun is shining, but the hour is late. I was hoping we would be able to salvage something very worthwhile, that we wouldn't allow this bill to die. But I can see that my good friend, the gentleman from Cumberland feels that if his side can't have what it wants, they don't want to give us anything. So again I will accept this graciously, but I hope that when we come back here in special session or in another regular session that the right of privacy will prevail here in Maine and that something very worthwhile can be put on the statute books.

Thereupon, the House voted to adhere.

**Messages and Documents**

The following Communication:

THE SENATE OF MAINE  
Augusta

June 25, 1969

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

Dear Madam Clerk:

The Senate has voted to Insist and join in a Committee of Conference of the disagreeing action of the two branches of the Legislature on Bill, An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment. (H. P. 1275) (L. D. 1603)

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

Senators:

BERRY of Cumberland  
SEWALL of Penobscot  
REED of Sagadahoc

Sincerely,

(Signed)

JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Orders**

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

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the problems connected with surficial mining of sand, gravel and borrow in this State for the purpose of devising recommendations for a workable and equitable reclamation procedure or requirement. Such study shall not be limited to problems connected with the reclamation of newly opened or proposed surface pits but shall also include the reclamation of abandoned or non-operating pits; and be in further

ORDERED, that the Division of Geological Survey of the Department of Economic Development is directed to provide the Committee with technical advice, information and other assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of this study at the regular session of the One Hundred and Fifth Legislature. (H. P. 1288)

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

Mr. FOSTER of Mechanic Falls presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the desirability of shortening the foreclosure period of real estate mortgages, particularly in connection with any effect it may have on providing additional credit for housing and any effect it may have on the debtor-creditor relationship; and be it further

ORDERED, that the State Department of Banks and Banking be directed to provide the Committee with such technical advice and other needed assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of such study at the next regular or special session of the Legislature. (H. P. 1289)

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

**House Report of Committee Ought to Pass with Committee Amendment**

Mr. Lund from the Committee on Appropriations and Financial Affairs on Bill "An Act Adjusting State Employees' Pay" (H. P. 1009) (L. D. 1311) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-601) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

**Emergency Measure Failed of Enactment**

An Act to Make Allocations from the General Highway Fund for the



Fiscal Years Ending June 30, 1970 and June 30, 1971 (H. P. 1244) (L. D. 1579)

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

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

Mr. DUDLEY: Mr. Speaker, I ask that this be tabled until later in today's session.

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

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

A vote of the House was taken. 33 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I only thought this would be the best way to discuss the issue after we discussed what we are going to have for bonds. In my opinion this bond issue is now out of line and considerably out of line. There are a lot of us here that feel as though a \$12 million bond issue would be very sufficient, more than sufficient, I might even use the word more than sufficient. On account of some people had some pet projects but were willing to go along with \$15 million and 51 of you members of this House voted with me the other day, in other words concurred with my thinking, and I offered a chance to discuss the issue directly with you at my seat at which I have discussed it with many and you have assured me that I can substantiate everything I am saying.

For this reason I asked that this be tabled until later in the day so that we could discuss first the bond issue and so now that you have decided to do it this way I would hope that you people that think I am right and some of you that know I am right would vote against

this bond issue. It is the only alternative if we are going to have some justice in that department. In other words if we are going to run it or if we are going to let one man run the show.

There is 151 of us here and most of us are present this morning and I think we should voice our opinion over and above one man's opinion, and for this reason you have a chance this morning when you press your button to show your appreciation for the good job the Highway Commission has done in your area and if you want a few more of these yellow vehicles parked along the highway and these kind of things you have just given him this morning if you vote for this measure a vote of confidence, and I am one of those in this House that don't believe that this individual or this department needs your vote of confidence this morning. So I ask you in all sincerity to vote against this particular bill that is to be enacted and they have got to have two thirds of the House and then we will discuss the bond issue in great detail if you want to. Thank you.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: Your Highway Committee has put in several months this winter studying the needs of the Highway Department, the needs of the towns that are responsible for taking care of their highways. We cut this budget way below what the Department wanted. Now I believe it is time that we consider what we must do for the communities that have their roads to build. We know that there's things wrong in the Highway Department; we know that there are things wrong in every department in this state.

But a Highway Committee can't take six months in two years and do the things that we should do to straighten this out. If we want to go ahead and appoint a committee that could take time away from the session to study this probably we could come up and make a lot of improvements, but it can't be done in the time we have and I think we have done a pretty

good job and about all we can do at this time. The towns are waiting for their money, they are waiting to know when they can build their town improvement roads, and this can't be done until the funds are available.

Now our road construction season is so short in the State of Maine and a good part of that season is passed already and I think it is time that we consider what is best for the State and is best for the communities and go ahead and pass this allocation bill and have it done with.

Whereupon, Mr. Dam of Skowhegan requested a roll call.

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

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

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: This is not perhaps to some of you the most important issue, to others it is. But I feel very very strongly that this budget represents a responsible allocation for Highway purposes. The thing that bothers me, and it still bothers me, is that we are again talking about bonding services in the highway program which I believe on any objective analysis are, in fact, Current Service items.

Now the gentleman from Pittsfield, Mr. Susi some days ago gave you an analysis of this situation, and all I can say is "Amen." We are bonding in this program—the necessary funds to fund this would involve bonding \$21,500,000, and in my opinion, and it is only my opinion as an individual, we are not really getting anywhere. We are running the very serious risk of having the electorate of

this State turn down a bond proposal of the size necessary to fund this, and therefore I say either cut the budget or responsibly fund it.

Now I know that the House has previously rejected a two cent gas tax and I know that many of you are really "dug in," as the expression is, on that issue. But I believe that when we start bonding what really are Current Service items in any budget in the Dedicated Revenue Account or in the General Fund, we are simply not facing realities. And therefore at this point I intend to vote against this particular proposal.

The SPEAKER: This being an emergency measure under the Constitution it requires for its enactment a two-thirds affirmative vote of the entire elected membership of the House. The yeas and nays have been ordered. All in favor will vote yes; those opposed will vote no. The Chairs opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Bedard, Benson, Bernier, Boudreau, Bourgoin, Brennan, Burnham, Casey, Chandler, Clark H. G.; Coffey, Croteau, Curran, Curtis, Cushing, Dam, Drigotas, Dyar, Evans, Farnham, Fecteau, Finemore, Fortier, A. J.; Foster, Fraser, Gilbert, Giroux, Good, Hall, Hanson, Hariman, Hawkens, Immonen, Jalbert, Johnston, Kelley, R. P.; Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewis, Lincoln, Martin, McKinnon, McNally, McTeague, Millett, Mills, Morgan, Nadeau, Page, Porter, Pratt, Ross, Scott, G. W.; Shaw, Sheltra, Snow, Stillings, Tanguay, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, Wight, Williams, Wood.

NAY — Barnes, Berman, Binnette, Birt, Bragdon, Buckley, Carey, Carter, Clark, C. H.; Cote, Cottrell, Couture, Crommett, Cummings, Dennett, Donaghy, Dudley, Durgin, Emery, Erickson, Eustis, Fortier, M.; Gauthier, Hardy, Haskell, Henley, Heselton, Hewes, Hichens, Huber, Hunter, Jameson, Kelleher, Kelley, K. F.; Keyte, Lewin, Lund, MacPhail, Marquis, Marstaller, Meisner, Mitchell, Moreshead, Mosher, Norris, Ouel-

lette, Payson, Quimby, Rand, Richardson, H. L.; Ricker, Rideout, Rocheleau, Sahagian, Scott, C. F.; Soulas, Starbird, Susi.

**ABSENT**—Brown, Bunker, Carrier, Chick, Corson, Cox, Crosby, D'Alfonso, Danton, Faucher, Jutras, Noyes, Richardson, G. A.; Santoro, Temple, White.

Yes, 76; No, 58; Absent, 16.

The **SPEAKER**: Seventy-six having voted in the affirmative and fifty-eight having voted in the negative, with sixteen absent, seventy-six not being two-thirds of the entire elected membership of the House, the Bill fails of final enactment.

Sent to the Senate. (Later Reconsidered)

### **Passed to Be Enacted Emergency Measure**

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

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. 111 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### **Bond Issue Tabled Until Later in Today's Session**

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

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

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

Mr. **DUDLEY**: Mr. Speaker and Members of the House: As I have tried to tell you, just a short few days ago, that I partly concur with the leadership in the right hand corner of this House. I too don't think it is right to go into too much Current Service bonding, but I do think you can be realistic about it. We obviously

are not going to be able to pass a two cent gas tax in this House. As a matter of fact, the public is not ready for a two cent gas tax.

Now I proposed that we float a \$15 million bond issue, and I think the people might vote for it. I feel very confident they will not vote for a \$21 million bond issue. I would not, and I would even campaign publicly against it, pay for TV out of my own pocket if necessary. I do believe that the people would support a \$15 million bond issue because we are retiring over \$7 million in bonds; as a matter of fact, nearly \$8 million, and this wouldn't be quite as bad. However, I am one of those who would be the first to agree that the Highway Commission would get along very nicely on a \$10 million bond issue, but if you did that some of you people would have pet projects that they would not be able to continue. So for that reason, I am willing to go along with a \$15 million bond issue, and this is what it would give them:

This would give them, the Highway Commission, \$21,916,000 more than they had the previous two years. Now by any stretch of your imagination, this is a lot of money, and this should take care of most of the things that are in question. Now how I get this figure, I use the Current Services, and I am using the estimate of about \$3 million and I am sure it will be that much, based on what it has been up to April of this year. And I do think we should spend this surplus and not leave it in the account to be spent by the Governor's Council and the Governor and the Commission. I think it is the duty of this House to spend this surplus money. In other words, I believe in leaving them have a cushion, but now they will try to scare you about telling you about disasters and that if we have a hurricane Edna or Hannah or something, that we will need this money. But in all cases where we have had these the federal government has been available on emergencies, and I am sure they will be in the future. So I am not too concerned. I do think we should have some surplus; but I don't think we need into the millions in

surplus. So I would hope that some way or another we could find a way to adjust this bond issue more palatable to the people and more in line with our needs and more in line with the Commission's needs.

Now I will tell you this much, that there are plenty of places—it was indicated in this House the other day that you would have to eliminate some places where we were having matching money. There are plenty of places this can be eliminated without touching matching money, I am sure. And so this is just an argument in trying to pass it.

And while I am on my feet let me tell you that this was the most interesting committee that I have served with in a long time in the House. And at the beginning of the session we had a mutual agreement that we would visit and I could show these people some of the things that exist in the countryside, in these districts and so forth, and we talked about it and we talked about it, but we never got to go. And some way or another someone was able to talk them out of this, or for some reason we were all too busy. I am a busy man too, but I am sure I could visit enough to tend to the duties of this committee, and I know the people on Welfare visited the institutions and I know that people on other committees, maybe Appropriations, they did some visiting, and I just don't think that—I for one didn't do a good job on this committee.

I am not going to speak for the others, but I put as much time as anybody, and I worked quite diligently. But I would say that I didn't do a good job; I half did the job maybe, but I do know I did enough about it with the dollars and cents value that it is way out of line. And I do hope that somehow we will find a way to pass a bond issue if it is 10 or \$15 million, then we would continue the services to a very good pitch; and if we would do this, we would be giving them, in my opinion, and it is pretty authentic because I have been over it very carefully, they would end up with about \$21,900,000 more than they had the previous two years. And if we could do

this, as I have told you before in every department down here, I would go home feeling mighty comfortable that we had done a whale of a job. Thank you, and I hope we find some way to do this. Thank you.

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

Mr. BENSON: Mr. Speaker and Members of the House: It would appear that after all the hours of debate that we have had on this issue in the past that we are in just a bit of a bind on this Highway issue this morning. Very frankly, I think that this is going to have to be settled in the quiet of nose to nose conversation and not on the Floor of the House. I think it might be very very timely if this were tabled until later in today's session so that some quiet negotiation can take place and this thing resolved. I think it is a shame for this thing to end up in a vortex and just be destroyed because of some misunderstanding on the part of a few people.

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

Mr. ROSS: Mr. Speaker, I move that this item lie upon the table until later in today's session.

Whereupon, Mr. Lee of Albion requested a vote on the tabling motion.

The SPEAKER: The gentleman from Bath, Mr. Ross moves that item three, L. D. 1607 be tabled until later in today's session pending passage to be enacted. A vote has been requested on the tabling motion. All in favor of this matter being tabled until later in today's session will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 97 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

#### Enactor

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

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

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

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

Mr. LUND: Mr. Speaker, may I make inquiry as to whether there is an amendment attached to this bill dealing with the appellate procedure?

The SPEAKER: The Chair would advise the gentleman that there is a Senate Amendment "A," filing number S-306.

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

#### Passed to Be Enacted

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

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

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

Mr. BERMAN: Mr. Speaker and Members of the House: I realize that we may not be consistent on this matter in not going ahead and giving approval to a State Trade Commission where we did go ahead by a very large vote and give approval to another Commission, a new commission in connection — I don't like to indefinitely postpone a good idea just because to date I haven't been able to prevail. This is a matter of substance and it is a matter of great importance. It is also a matter upon which reasonable people in this House to date have thought differently, at last count by, I think, only ten votes.

Now our side is gaining all the time but I am up against a rather unusual situation. Many of the good ladies in this House don't particularly favor a commission in connection with protecting the consumer where they may favor a commission in connection with mining. So I guess that is all right, and frankly I think that the gentleman from Falmouth, Mrs. Payson, has proved a very gracious and a very charming lobbyist on

this matter, and frankly I would like to employ her on some of my bills. So I think I am going to move for enactment of this measure.

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

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

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.

#### 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 (H. P. 1290)

Tabled—June 25, by Mr. Rideout of Manchester.

Pending—Passage.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: Just very briefly if I may, this is a housekeeping attempt to make it a little easier to file your bills around the cloture date where you can file it with, properly titled and accompanied by sufficient information and data required for its preparation. It does not necessarily have to be in its final form, so it will help make the Research Office job easier in drafting and perhaps make it easier for us to get the bills in final order without doing it by amendment, and I would move its passage.

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

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

Joint Order re amending Joint Rule 8 (H. P. 1291)

Tabled—June 25, by Mr. Rideout of Manchester.

Pending—Passage.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I owe you all an apology on this one in my explanation of yesterday, because I was wrong. This does not change the cloture date. What it does is it gives Mr. Slosberg's office more time to draft the bills for submission into the hopper. And I do apologize for misinforming you.

I move its passage.

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

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

Joint Order re repealing Joint Rule 10.

Tabled—June 25, by Mr. Rideout of Manchester.

Pending—Passage.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: This is the one that seems to have stirred up some interest among many people in the House. This is the rule that would change the procedure currently of filing a bill after the cloture date. "No bill or resolve shall be received by the legislature after 1 p.m. on the fourth Friday following the convening of the session except by unanimous consent in the body in which it was introduced."

Currently we are working on a ten percent basis. There were 54 bills filed after cloture in the House and I don't know how many in the Senate, and the thinking behind this is that the more that we can cut down on bills being filed after cloture the better off we are all going to be because there are some bills that come in late in the session, as you all well know, that have a lot of merit and they don't in my opinion get enough time to be considered on their merits and they get lost in the shuffle. This rule had been in effect in this House for some time prior to our changing it four years ago.

I would like to — I am not going to get all fired up over this and I know there is a difference of opin-

ion among many members of the House. I would be happy to listen to the opinions and have you make the decision. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I recognize how diligently the gentleman from Manchester, Mr. Rideout has worked on not just these changes, but worked on the entire package wherein it concerns rule changes. I think, however, in this particular instance that I would like to see the ten percent retained. If under this order, a bill wants to be introduced after cloture by any member, then one voice can stop the introduction. I like the new method. It has to be cleared through the leadership anyway, but I like the new method because I think that it would afford the individual to know that he would not be able to put in any bill but however it would give him a little bit more room to work with if the ten percent program was still invoked. And realizing — and again I repeat myself — the arduous task that the gentleman from Manchester, Mr. Rideout has gone through on all of these rules; however in this instance I would object to this rule and, Mr. Speaker, I move the indefinite postponement of this rule.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am very much in favor of this order for a new rule because for several reasons. One of the greatest reasons is you can see what has happened this session these last few bills that came in, they were big bills, they were 8, 10, 15 or 20 pages and we didn't have time to study them; for instance the bloc grant. I won't say it was right or wrong because I haven't had the time to study it and I don't think anyone else has. And these people who have these bills hold them; I believe, hold them back to get them in the last part of the session to try to get them by. And I do believe that ten percent is too few to pass upon matters of this kind because they are more easily influenced

and I do not believe that the representation of the House is represented by these ten percent. And I hope that we will go along with the order of Mr. Rideout to change the rule to unanimous consent of the House.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I would like to go along with my friend, Mr. Jalbert. He well remembers the same as I do one session here back along where one member along towards the last end of the session somebody happened to object to his bill; right or wrong I can't remember. But after that he objected to every bill and there never was another bill good, bad or indifferent that ever got in here because of the objections of one man and he did it more to get even with somebody that objected to his bill. That is why I would be in favor of the ten percent.

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

Mr. SNOW: Mr. Speaker and Members of the House: I also would like to support the good gentleman, Mr. Jalbert in the ten percent procedure that we have been using. I feel that there is too much power if we go to the one vote against entering a bill after cloture date. I feel that bills such as bloc grant that had so much interest and support, if such bills are introduced in a body as large as this in session, it delays them until the next session, it does give them a chance to be aired. If they don't have the merit, at least a lot of discussion will be held on them and I feel that this is good and should continue in this manner.

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

73 having voted in the affirmative and 27 in the negative, the motion did prevail.

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

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

Tabled—June 25, by Mr. Richardson of Cumberland.

Pending—Passage to be enacted.

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

### Order Out of Order

Mr. Dam of Skowhegan presented the following Joint Order and moved its passage:

WHEREAS, for over 200 years the rivers and streams of the State of Maine have been used for the commercial transportation of logs and pulpwood to feed the mills of the lumber and paper industry; and

WHEREAS, through purchase and legislative action certain legal rights have been acquired for such use; and

WHEREAS, through the continuation of such use the rivers and streams of the State have had deposited within them quantities of bark and sunken logs which have contributed to the pollution load of such streams and rivers; now, therefore, be it

ORDERED, that the Senate concurring, that the Legislative Research Committee is directed to study such practice; its effects on said streams and rivers, the alternative means of transporting said logs and pulpwood, and the effect on whatever legal rights may presently exist by curtailing or limiting such practice; and be it further

ORDERED, that the State Department of Forestry and the Water and Air Environmental Improvement Commission be directed to provide the Committee with such technical advice and other assistance as the Committee deems necessary or desirable to carry out the provisions of this Order; and be it further

ORDERED, that the Committee report its recommendation, together with such proposed legislation as it

may deem appropriate, to the next regular session of the Legislature. (H. P. 1292)

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I seem to be on the losing side this morning, ladies and gentlemen, but I do think this order is going too far because I think that the people who are familiar with the rivers that had long lumber and pulpwood drives on them are much better rivers, much better for fishing, much better for using boats on as they are cleared, and as far as logs are concerned in there and bark, there is nothing any better in the world for fish than a little bark in the rivers and when the pulp companies and the lumber companies cease driving these streams they seem to grow right up again, especially the smaller streams, they grow up so that they are not good for boats to go up and I believe that this order here should be indefinitely postponed.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves this order be indefinitely postponed. The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: I can't agree with Mr. Finemore. It is an accepted fact and if he would check with the Inland Fish and Game Department they will substantiate this, that the bark coming off from the logs and going to the bottom of the river does not tend to increase the fishing or make the fish grow any faster. This tends to kill off the fish.

The whole intent behind this order was to try to clean up some of the rivers. Nationally they have a pollution program; statewide, we also have one. We are asking the taxpayers of the State of Maine to dig in their pockets and raise money toward the municipal pollution abatement systems. We are going to clean up the rivers in the State of Maine. It may be some time because of politics before this can be done, but eventually it is going to be done. Eventually we

can go to the river and we can see clean water; we won't have to look at sewage floating down an open sewer system.

Now I don't feel that we can be justified in saying to the individual taxpayer, you can dig in your pocket, you come up with money to take the sewage out of the river, because we want this water clean so we can float these logs down. If these logs were being floated down—now this is not an order to prohibit the companies from floating the logs. There are ways this can be done. But there are ways it can be done and not hurt the individuals that would like to use these rivers in the State of Maine.

Right now the rivers are not being used for the purpose only of transporting the logs. The paper companies are using these rivers as a debarking process. If these logs were floated down in an expedient manner you would not lose much bark from these logs, it would not sink to the bottom of the river. But these logs are left laying in the rivers, five, six, seven, eight, ten weeks, three months. These logs turn over. The bark comes off and sinks to the bottom. In the Kennebec River there are areas where the bark is ten or twelve feet thick.

Now I submit to you ladies and gentlemen right here that you know in your mind that fish cannot live in a river when there's bark ten or twelve feet thick at the bottom of that river. This is not an order to prohibit logs from coming down the river. This is merely asking for a study, asking for suggestions.

Now this would not create any hardship on any industry in this state. Many of the paper companies are moving chipping mills and chipping facilities into the area where the logs are being cut. They are transporting these chips in trailers over the highways to the mills. For those companies that did not want to do this, still something can be worked out. So instead of letting those logs lay for three months in the river and the bark sink to the bottom, some of the logs become water-soaked and sink to the bottom of which



there are many many thousands of cords, in fact it would go into the hundreds of thousands of cords of wood laying on the bottom of the Kennebec River. This is the only thing this order is doing, is asking for a study, and I do oppose the motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Of course I realize I could have objected this and not have any one speak on the Floor against it, but I don't believe in doing that. I don't believe in objecting. I like to have the people know. But the gentleman from Skowhegan, Mr. Dam is building up a pretty good statement here. I realize that this isn't going to stop them from driving the rivers but I do also realize there is no need of spending money in this special method and put a committee on or someone on to check this over because I know, and he can't convince me any otherwise, that the bark is not hurting the fish in the rivers, and I know the fishing was much better in these rivers and streams in Aroostook County—and I am not familiar with the Kennebec River—but in Aroostook County when we had drives on them than they are today, they were much easier to get up with boats and they were far better rivers and streams, the water was much better in them. And this here is just something to spend more money on.

When you speak of bark in the river. I don't see as there are any pulp companies debarking too much bark in the river. I am very familiar with the East Millinocket mill where the wood was taken out and also the Millinocket mill and there is just as much bark in them, maybe a few exceptions. as they were when they were there and again I say that this is not in any way hurting the rivers, those logs coming down them. It was really a method of nature to have these rivers to bring these logs and pulpwood down. And I know in Aroostook County, I think any Aroostook County member here will tell you it was much better in

Aroostook when these rivers were having log drives and pulpwood drives on them, and I hope you will go along with indefinite postponement of this order.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This order before you this morning might very well serve a very useful purpose in the very near future. Also the pulp and paper companies in our states as well as in the surrounding area that are in direct competition with the industry in Maine, in the last six years and possibly eight years most of these companies have adopted a new system of processing their pulp in that they are not using the log methods as they used to in years gone by, but are actually chipping the logs in the field and are transporting the chips by trucks directly to the plant.

And I think probably, if only for the purpose of determining what the effect of the logging operations have had on the rivers and streams over the years vs. this new method. Now granted right now I think there are very few rivers that are being used for the actual logging operations but I would be very much interested in finding out just what effect the change-over is now having in these rivers and streams and in the actual operations of the pulp and paper companies, because in the last few years there has been a very great change in that particular type of pulp operation vs. the rivers and streams, logs and in the pulp form. So I think that the Order is very justifiable in that we would at least have some method of determining what the effect is and what it had been over the years in our rivers and streams. I think the order is very appropriate and I hope that you will support the motion to support the order.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: As a fisherman that has been fishing the St. John and Allagash Rivers for the last fifty years I know that

the fishing was much better fifty years ago than it is today, but it is not the bark off the logs that has helped it. It is because there are fifty fishermen now where there used to be one fifty years ago.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I personally think this is a very good order. I will call your attention to something I checked on three weeks ago in Crawford at the shore of Love Lake. Somebody was given a permit to go in there and set up a portable mill and cut lumber in that area. The blower pipe blew the sawdust back towards the shore of Love Lake where the State has spent a lot of money on the salmon reclaiming in that lake over several periods of years.

When I took this up with the Commissioner of Inland Fish and Game he said that at the present time he doesn't know of any way he can eliminate that tremendously high sawdust pile which is now leaching into Love Lake and destroying the salmon there. If there is some way that lakes and ponds could be added to this order I would be in favor of that and I am against the indefinite postponement.

The SPEAKER: The Chair will order a vote. All in favor of indefinite postponement of this Order will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

25 having voted in the affirmative and 89 having voted in the negative, the motion did not prevail.

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

The SPEAKER: The Chair will call your attention to Supplement No. 1.

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate, in his capacity as Executive

Officer of the Senate when the Senate is not in session, be and hereby is authorized to retain whatever members of his staff may be necessary to complete the records of the Senate and whatever secretarial staff as may from time to time be necessary, and approve payment for same. (S. P. 542)

Came from the Senate read and passed.

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

#### Passed to Be Engrossed

Bill "An Act to Provide for the Reconstruction of the Interstate Bridge at South Berwick, Known as 'Landing Bridge' (S. P. 541) (L. D. 1615)

Came from the Senate passed to be engrossed without reference to any committee under suspension of the rules.

The Bill was given its three several readings under suspension of the rules and passed to be engrossed without reference to any Committee in concurrence.

By unanimous consent all matters acted upon that required Senate concurrence and all matters acted upon in concurrence were ordered sent forthwith to the Senate.

On motion of Mr. Richardson of Cumberland,

Recessed until the sound of the gong.

#### After Recess

Called to order by the Speaker.

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

Mr. RIDEOUT: Mr. Speaker, I would ask if the House is in possession of L. D. 1377?

The SPEAKER: The answer is in the affirmative; the House is in possession of Report of the Committee on State Government on Bill "An Act Increasing Salaries of County Attorneys and Assistant County Attorneys," House Paper 1049, L. D. 1377, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Mr. RIDEOUT: Mr. Speaker, I would move that we reconsider our action whereby we receded and concurred earlier today.

The SPEAKER: The gentleman from Manchester, Mr. Rideout moves that the House reconsider its action whereby it receded and concurred earlier in the day.

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

Mr. BERMAN: A parliamentary inquiry. What would be the purpose of receding and concurring on this matter?

The SPEAKER: The gentleman from Houlton, Mr. Berman poses a question through the Chair to the gentleman from Manchester, Mr. Rideout, who moved that we reconsider; and the Chair recognizes that gentleman.

Mr. RIDEOUT: Mr. Speaker, to answer the gentleman's question, at this point in time in many legislative sessions, things could be happening so fast that we are apt to make some errors and this motion to recede and concur this morning was such an error. The Senate and myself thought that we had this covered by other legislation, and haven't. So the next move I would make would be to insist and see if we couldn't straighten it out.

Thereupon, the House reconsidered its action whereby it voted to recede and concur.

On further motion of Mr. Rideout of Manchester, the House voted to insist and ask for a Committee of Conference.

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

Messrs. RIDEOUT of Manchester  
                   RICHARDSON  
   of Cumberland  
                   JALBERT of Lewiston

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

The SPEAKER: The Chair would call your attention to Supplement No. 2.

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

Bill "An Act to Amend Bond Issue Acts by Removing Limitations as to Interest (S. P. 540) (L. D. 1614)

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-327) without reference to any Committee under suspension of the rules.

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

Mr. RICHARDSON: Mr. Speaker, in view of the fact that there is an amendment being prepared that is necessary to effect the purposes of this bill, I would request some member of the House to table it until later in today's session.

Whereupon, on motion of Mr. Bragdon of Perham, tabled pending consideration and assigned for later in today's session.

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

Mr. RICHARDSON: Mr. Speaker, I would inquire of the Chair as to whether or not the House is in possession of House Paper 1244, L. D. 1579, An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1970 and June 30, 1971.

The SPEAKER: The answer is in the affirmative; the House is in possession of L. D. 1579 which failed of passage to be enacted earlier in today's session.

Mr. RICHARDSON: Mr. Speaker, I move that we reconsider our action of earlier in the day.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves that the House reconsider its action of earlier in the day's session whereby this bill failed of passage to be enacted. Is this the pleasure of the House?

The Chair recognizes the same gentleman.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I am sure to the dismay of several of you I spoke this morning on this legislation and indicated to you that while I am sure nobody believes me I am a fiscal conservative. I believe that if you are going to enact programs you should have the courage to raise the necessary revenues to pay for those programs and not snooker the people into believing that they can have programs and they can have progress without paying for it.

As a matter of fact I feel so strongly about this that I felt that with respect to this particular bill we were talking about a bond issue in the amount of \$21,500,000 to fund this allocation program which would involve possibly the funding by bond issues of Current Service items. I have gone over this again; I have gone through the bill; I have reviewed it and I am satisfied, and I hope you will forgive my delaying this measure, but I am satisfied that we are not bonding Current Service items under the traditional definition of that term. We are not bonding sanding, snow removal, minor resurfacing and the like as I understand the bill.

Now I want to make perfectly clear that while Mr. Dudley and I this morning arrived at the same answer we got there for very very different reasons. I do not propose to substitute my judgment for that of the great majority of the Committee charged with the responsibility to advise us and give us guidance in this particular legislation. I think the Committee was correct. Had we bonded we could have gone into a much more ambitious construction program had we had bonds plus two cents, but I am satisfied that we are bonding at the present level. While we are not making the advances in highway construction that I think we should be making, at the same time we are not bonding Current Services.

Therefore, Mr. Speaker and ladies and gentlemen, I hope that you will vote for reconsideration and I hope that you will vote to give this bill final passage because failing that there would be no Highway program.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to tell you that to some degree I concur with the gentleman that just spoke. I do concur that this doesn't involve Current Services and this I already knew so he didn't tell me anything. But now when he tells you there will be no Highway program this is certainly not a fact because we are going to have some kind of a program, if you will go along some prudent

kind of a program, and something that the people might buy. I am sure that when you asked the people this Highway bond we have already passed through this House a \$30 million bond issue which I went along with. This is for highways; this is not to build monuments or buildings; this \$30 million is precisely for highways.

Now we are talking about another \$21 million and I think that is a little more than the people want to buy. I suggest, if I had had it my way, I would have said \$10 million of bonding for these services was great plenty. But I listened to people like the Maine Good Roads Association which is available to all the House and he thought that \$15 million was very realistic and I conceded that possibly he had a lot of experience, he was an attorney, and his group had long affiliation with highways and highway maintenance, building and so forth, so I conceded that my judgment was perhaps a little conservative and I was willing to go along with \$15 million.

If you pass this as it now exists then you will have to have a \$21 million bond issue to cover what you are voting for right this minute. So I suggest we settle what we are going to do on a bond issue once and for all and then we discuss, and we will take up this issue here, if we pass — if you people feel that the people want another \$21 million bond issue I have no gripes. I do feel surely we will end up with nothing and I will do all I can to make sure that we do. As a matter of fact I am quite vocal and I sound not too bad on TV. I have been on before.

And so I suggest to you that we keep this on the table until we have settled this issue of this bond issue and it doesn't involve Current Services, I agree to that extent. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think we have probably discovered a new TV star here this morning that was not prev-

alent before and I certainly for one would indicate to the members of the House and to anybody that has watched TV that I would never come out a star on TV by any means.

But getting back to the merits of the document this morning I think the consensus of the members of the Committee that heard the evidence have indicated to the members of this House and have also indicated to the members of the Highway Safety Committee and to the Highway Commission that they have recognized that some correction needs to be done in our highway programming, including from the Chairman on down to the supervisors and foremen, that a little bit of care is needed immediately and in the very foreseeable future, that great care will have to be taken by our Highway Commissioner and all these people that are involved in our highway programs at different categories and stages.

I think that warning has been made resoundingly this winter by the members of the Committee and I think the Commission understands that, but to deny them enough funds so that they can try to implement what they think is going to be good and at the same time being prudent and careful about how they are going to react in the next year or so is very much in the air. And due notice has been given to these people that they must in all instances exercise a little more prudence and care with their or our Highway money. So therefore I hope that the members of this House will see through this something that may well be beneficial in the foreseeable future and will vote to reconsider the bill pending before us.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't want to belabor this issue any further. I think I have said enough. You know where I stand but I do, the gentleman that said the Highway Commission had been served a notice and I knew nothing

about it, I would like to know by whom this notice was served. I think the only way we can serve them a notice is right here by our vote this morning and if there has been a notice served that I knew nothing about I would like to know who served it to them. Certainly this Committee was willing to Canuck and give him anything he wanted and more too if he asked for it. Now this is not serving no notice and this bill serves no notice on them. So I would like, my question to him is, who served the notice and when?

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

Mr. LEVESQUE: Mr. Speaker, I think if the gentleman had attended a little bit more often some of the meetings that they have had in his own Committee, some of his own Committee members have indicated to me that they have served notice on the Commission.

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

A vote of the House was taken. 100 having voted in the affirmative and 29 having voted in the negative, the motion to reconsider does prevail.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: We are now at the point where we serve notice on the Commission in our vote right now. This is the vote right now. If you think they have done a good job and that everything is in order in their house, if you want to just bail in money there then you vote yes. But the other day there were some fifty people come to me that don't think they are doing this kind of a job and if you still feel that way as I do this is your last chance to serve notice on them people, serve them a warning that you want them to be a little more prudent, that you want them to show a little more consideration of our thoughts and this will be you last chance right now. I suggest that you vote against this measure.

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure a two-thirds vote of all the members elected to the House is necessary. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

97 voted in the affirmative and 39 voted in the negative.

Whereupon, Mr. Richardson of Cumberland requested a roll call.

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

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: Over the many years I have served with the gentleman from Enfield, Mr. Dudley. As time has gone on I have realized his utmost sincerity in all areas but particularly where it concerned the Highway programs. And this morning in that I would heartily concur with his thinking I probably might take very slight issue with him on the comment that this is where we would serve notice.

Now if you would read again the order that I presented and which passed this body unanimous to have the Research Committee study all departments, it is to be noted that for the first time in many years this includes the other business operating agencies and also involves the agencies that are on a dedicated revenue basis and it includes the Highway Department itself and this is the first time, I don't mean to use the word investigation by any means, it is just a thorough look-see by the General Operations Committee of the Research Committee. What holds in the future as far as how this Committee from a personal standpoint I do not know but I do know this, that if this Committee works as diligently, as thoroughly

as I know they intend to work, a great deal can be accomplished by probably doing some culling out into the Highway program.

At this time, however, it would be almost impossible for one to know just how and where the cuts would be made and I was wondering if the gentleman from Enfield, Mr. Dudley would be patient enough to realize that this would be an arduous task now almost beyond our time and for that reason and because this would cripple the operation, the good operations of this government that I should think at this time this could very seriously harm the program. So I was wondering whether or not he would go along with us on the passage of this measure.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Here is what you are talking about, you are talking about a \$104 million proposition and I propose changing just \$3 million out of \$104 million. Now this is pretty small change to say the least. I propose—the biggest thing I am changing is only \$6 million right in this bond issue but I want to use that \$3 million surplus that I know is going to be there. That is what I don't like. I think we should have something to say about the spending of that. I don't like this \$3 million surplus. I think that we should utilize it and if you take into consideration utilizing this \$3 million of surplus that I am sure will accumulate this year, and by their own admission they say close to that, then we are only \$3 million apart. So if you use 6, there is only \$6 million as against my proposal and the other one. If you want to use the estimates like I do, then there is only \$3 million, so we are not really talking about ruining a program. We are talking about them giving them twenty-one million nine hundred and some thousand dollars more than they had the previous two years. What I am trying to point out to you in this House is that this is a lot of money. And I am sure they can make a lot of progress with it.

I also want to point out that I don't propose cutting it where

there is construction where there is matching funds, that we would lose matching funds. There is areas that you do not lose matching funds and maintenance is a big item and where they're charging all this equipment, you get an equipment account and they charge ridiculous fees per hour for these trucks. They start them in the morning and they charge it up for the whole day's use. It may be just parked somewhere, it may be just picking up bottles. Yet we are paying \$12 or more an hour for the use of this truck.

These are the things that I want to get at but if we continue to give them everything they ask for, everything, and just say we endorse this and come back and get us again next time, they are going to be back and get us more; each year they come back and bite us a little harder. I think it is time that we resent this and bite back a little. And there is only \$3 million, if you want to use the surplus in my opinion.

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

Mr. D'ALFONSO: Mr. Speaker, parliamentary inquiry.

The SPEAKER: The gentleman may proceed.

Mr. D'ALFONSO: Is it permissible for a member of the House to request that the Chair invoke Rule 19 of the House Rules?

The SPEAKER: Each and every member who shall be in the House when a question is put when he is not excluded by interest shall give his vote unless the House for special reasons shall excuse him and when the yeas and nays are ordered, no member shall leave his seat until the vote is declared and in all elections by the House or on joint ballot of the two houses, no member shall leave his seat after voting before return of the House is had. And this is the rule of the House. Will the gentleman pose his question relative to the rule.

Mr. D'ALFONSO: That it be enforced.

The SPEAKER: The Rule is enforced. Every member shall vote if he is in his seat and a roll call has been ordered. No member may leave his seat. The pending ques-

tion is the enactment of this bill as an emergency measure, which requires one hundred and one votes.

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

Mr. LEE: Mr. Speaker and Members of the House: I would like to just say a few words in rebuttal. There is no surplus. As of about now the Highway Commission has a new year the first of July and it will come to a grinding halt regardless. There has been another statement made that you can save it somewhere else. In the passage of our bills, the bond issue is strictly—and it says right in the heading, for construction only. You can't use the bond issue for anything else. This is for matching federal funds available in the next biennium.

I might say another word or two, in our original estimate there was \$137 million requested by the Governor. His method of financing it was one cent increase in the gas tax and \$30 million in bonds. We have managed to cut this down to 104 million with a \$21½ million bond issue for the one cent gas tax. I think we should pass it.

The SPEAKER: This being an emergency measure under the Constitution it requires for its enactment a two-thirds affirmative vote of the entire elected membership of the House. All in favor of An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1970 and June 30, 1971, House Paper 1244, L. D. 1579, being passed to be enacted will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA—Allen, Baker, Barnes, Be-  
dard, Benson, Bernier, Birt, Bou-  
dreau, Bourgoin, Bragdon, Bren-  
nan, Buckley, Burnham, Casey,  
Chandler, Chick, Clark, C. H.;  
Clark, H. G.; Coffey, Corson,  
Cottrell, Cox, Croteau, Cummings,  
Curran, Curtis, Cushing, D'Alfonso,  
Dam, Dennett, Donaghy, Drigotas,  
Durgin, Dyar, Erickson, Eustis,  
Farnham, Faucher, Fecteau, Fine-  
more, Fortier, A. J.; Gilbert, Gi-  
roux, Good, Hall, Hardy, Harri-  
man, Haskell, Hawkens, Henley,

Hewes, Hichens, Immonen, Jalbert, Johnston, Kelley, K. F.; Kelley, R. P.; Kilroy, Laberge, Lawry, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lun.L, MacPhail, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mills, Moreshead, Morgan, Nadeau, Norris, Ouellette, Page, Payson, Porter, Pratt, Quimby, Richardson, H. L.; Rideout, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Williams, Wood.

**NAY**—Berman, Binnette, Carey, Carter, Cote, Couture, Crommett, Crosby, Dudley, Emery, Evans, Fortier, M.; Fraser, Hanson, Heselton, Huber, Hunter, Jameson, Kelleher, Keyte, Lebel, Marquis, Mitchell, Mosher, Rand, Ricker, Rocheleau, Soulas, Starbird, Tanguay, Wight.

**ABSENT**—Brown, Bunker, Carrier, Danton, Foster, Gauthier, Jutras, Noyes, Richardson, G. A. Yes, 110; No, 31; Absent, 9.

The **SPEAKER**: One hundred ten having voted in the affirmative and thirty-one in the negative, the Bill is passed to be enacted as an emergency measure. It will be signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

On motion of Mr. Richardson of Cumberland,

Recessed until two o'clock in the afternoon.

#### After Recess

2:00 P. M.

The House was called to order by the Speaker.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties" (S. P. 503) (L. D. 1599) the Speaker appointed the following Conferees on the part of the House:

Messrs. **BERMAN** of Houlton  
**SOULAS** of Bangor  
**JAMESON** of Bangor

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to the Employment of the Handicapped" (S. P. 487) (L. D. 1571) the Speaker appointed the following Conferees on the part of the House:

Messrs. **RIDEOUT** of Manchester  
**MARSTALLER**  
of Freeport  
**LEVESQUE**  
of Madawaska

The **SPEAKER**: The Chair would call your attention to Supplement No. 5.

#### Conference Committee Report Tabled Until Later in Today's Session

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for Annual Revision of State Valuation" (H. P. 100) (L. D. 108) reporting that the House recede from passage to be engrossed, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House. (Signed)

**BAKER** of Orrington

**SUSI** of Pittsfield

**FORTIER** of Rumford

- Committee on part of House.

**WYMAN** of Washington

**BOISVERT**

of Androscoggin

**LETOURNEAU** of York

- Committee on part of Senate.

Report was read.

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

Mr. **DUDLEY**: Mr. Speaker, I am not going to make any comment except to say that this revision, I hope that the people of this House will not be in such a hurry that they don't take time to at least read it in parts. I see some things that I object to and I assume that they would, and I hope they take the time at least to read the report. I see some things in there that I would object to and I suspect they would. I am not going to read them to you but I



suggest that we take a minute or two to look it over.

Whereupon, on motion of Mr. Farnham of Hampden, tabled pending acceptance and assigned for later in today's session.

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

**Non-Concurrent Matter**

Resolve Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years (S. P. 491) (L. D. 1585) which was tabled earlier in the day and later today assigned, pending further consideration.

The House voted to recede and concur.

By unanimous consent ordered sent forthwith.

**Non-Concurrent Matter**

Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary (H. P. 21) (L. D. 24) which was tabled earlier in the day and later today assigned, pending motion of Mr. Ross of Bath to recede and concur.

The House voted to recede and concur.

By unanimous consent ordered sent forthwith.

**Passed to Be Enacted**

**Bond Issue**

An Act to Authorize the Issuance of Bonds in the Amount of Twenty-one Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways (S. P. 521) (L. D. 1607) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

In accordance with the Provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 107 voted in favor of same and 37 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent ordered sent forthwith.

**Enactor  
Amended**

An Act relating to Jurisdiction and Judicial Divisions of the District Court (S. P. 468) (L. D. 1526) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

On motion of Mr. Lund of Augusta, under suspension of the rules, the House reconsidered its action of June 24 whereby it voted to recede and concur.

On further motion of the same gentleman, the House voted to recede.

Senate Amendment "A" (S-306) was read by the Clerk.

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

House Amendment "A" to Senate Amendment "A" (H-603) was read by the Clerk and adopted. Senate Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

By unanimous consent ordered sent forthwith.

**Passed to Be Enacted**

An Act Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect Thereto (H. P. 860) (L. D. 1102) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

Mr. BERMAN: Mr. Speaker, I would move that this matter be enacted and I would like to speak to my motion.

The SPEAKER: The gentleman from Houlton, Mr. Berman moves that L. D. 1102 be passed to be enacted.

The gentleman may proceed.

Mr. BERMAN: Mr. Speaker, Members of the House: This is a bill for law enforcement on the civil side and six members of the

Joint Standing Committee on Judiciary agree with that likeable lady from Falmouth that the time has come to be on the side of law enforcement. Now who are these six members? They are the good Senator from Penobscot, Senator Quinn who agreed and signed the Majority "Ought to pass" Report; the good Senator from Aroostook, Senator Violette who agreed and signed the Majority "Ought to pass" Report; the gentleman from Houlton agreed and this is his bill; the gentleman from Mechanic Falls, Mr. Foster agreed; the gentleman from Cape Elizabeth, Mr. Hewes agreed; the gentleman from Gardiner, Mr. Heselton agreed and also signed the Majority "Ought to pass" Report. But four of the members of the Committee thought otherwise. The good Senator from Franklin disagreed; the amiable gentleman from Portland, Mr. Brennan, the amiable gentleman from Augusta, Mr. Moreshead and my good friend, and he truly is a good friend, the gentleman from Old Orchard, who was unfortunately unable to hear the evidence went along with the Senator from Franklin.

So this is what a country lawyer from a quiet lovely town in northern Maine is up against when a couple of good boys from the city team up with the crusading chairman and my good friend Mr. Danton goes along. But I really have enough confidence in the essential fairness of this House — Republicans and Democrats alike — ladies and gentlemen alike — that this bill will be considered on its own merits and no personal feelings will override your judgment in giving this bill life and not an abortion.

Now I did spend some time this morning tidying up some fences and trying to tidy up my desk but somehow or other new materials have a way of getting on my desk and some of them are related to this particular matter. So I have to apologize.

Now, members of the House, to come down to the meat of the matter I am not particularly enamored of so-called dirty linen in the courtroom or sensational trials in the courtroom and it has always bothered me to see men and women

and young adults, boys and girls, flock to a courtroom which has to be public in this state when sensational cases dealing with alienation of affections, rape, murder and passion and other lurid types of unclean linen have to get aired in public because people don't want to do the right thing.

Every now and then I find myself in this kind of litigation and I don't really like it, but a doctor doesn't refuse to help a man because he doesn't like the disease he has and I can't always refuse to take some of these cases because I don't really like what they involve. I really like to see things toned down a bit when the courtrooms have to be open to the general public and I have no quarrel with that under our Constitution. And young adults and men and women come to gaze upon and listen to the sad trials and tribulations of mankind.

Now if these people want to go to the movies and see make-believe that is all right with me, but if I can do one small thing in promoting expeditious settlement in trying to avoid public displays of a sensational nature I am all for it and I hope the majority of this House is when the day outside is so nice and fresh.

But a few nice people sometimes get enamored with the Fifth Amendment in protecting rascals, scoundrels and home breaker-uppers which I say sincerely the Fifth Amendment was not designed to protect. Probably I am old-fashioned in this respect. I don't like to see men taking other men's wives or women stealing other women's husbands and breaking up homes and breaking up families and breaking up children. As a matter of fact, I have some rather strong feelings on this matter and I don't want to see these rescals being able to hide behind the Fifth Amendment.

If the State's Attorney and the United States Attorney feel that the case is not worth prosecuting on the criminal side and would be willing to okay having these rascals testify or be in contempt, this I suggest would lead to expeditious settlement and would keep dirty linen out of the courtrooms. Now those who are con-

trite and sorry for what they have done have a chance to make some form of restitution. Now some but not all of my good friends who favor letting these scoundrels hide behind the Fifth Amendment may be saying in the corridors, and I know one of them is spouting in the other body, that this bill is the matter of a private case in which the sponsor's counsel and where the sponsor doesn't want to bring the unhappy situation to public trial if he can help it.

Members of the House, some of this scuttlebutt is true. I do have a case which ought to be settled because it is an open and shut case and believe me there are these types of cases and I don't relish doing anything unkind unless I am forced to the wall. But I pledge to you ladies and gentlemen of this House, should you go along with me this afternoon and act favorably on this bill and enact it, I will never use this proposed statute in the pending case which should really be settled without providing a sensational background for melodrama for people who seem to get enjoyment out of other people's misfortunes.

Now frankly I am not as bright as I would like to be because otherwise it wouldn't have taken a case in which I was personally involved to make me aware of what some scoundrels try to get away with. But believe you me, ladies and gentlemen, when it finally dawns on me that some legal loophole is being used to cover up a bad character in the field of family relations my blood has a substantial change in temperature and with a Scotch first name like Malcolm I start out to do what I can against the bad Macbeths.

So I hope you will pass this bill to be enacted and when the vote is taken if our electronic machine is working I respectfully ask for the yeas and nays so we can know who is on the side of justice and who are unfortunately on the side of covering up the scoundrels. Thank you.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: Representing the scoun-

drels here, this is apparently the last of the intermural bouts among the Judiciary Committee members and I suspect the House will be quite thankful for that. Frankly I am quite bewildered and befuddled by the gentleman from Houlton, Mr. Berman's sponsorship of this measure. In my three terms in this legislature I have always felt that Mr. Berman has been a very zealous guardian of the Constitutional rights of the people of Maine. Now this bill is aimed in the opposite direction and also would hamper law enforcement.

Passage of this bill could well create immunity baths for criminals. Under this proposed law a person who refused to give testimony on the grounds it invaded his Constitutional rights could be compelled to give that testimony because he had been granted immunity. This sounds all well and good. However he could then testify in regards to many crimes he has committed and he would be immune from prosecution and therefore be scot-free in regard to these crimes. The fact that before this immunity would be granted by the Court the O.K. of the District Attorney and the Attorney General's Office would be needed is certainly not a sufficient check. They would not necessarily have the information that would be needed for a sufficient check.

Now I remind this House that this is immunity granted in civil proceedings. I personally cannot think of a better bill to pass if we want to give even the least ingenious criminals a chance to confess all their crimes at a deposition hearing and be forever immune from prosecution. All they would have to do is cook up a civil case. I know of no other state having similar legislation.

Anybody who is interested in law and order, and this seems to be a law and order legislature, should vote against passage of this bill. Anybody who is interested in preserving the Fifth Amendment of the Constitution should vote against passage of this bill.

I also want to read an excerpt of an opinion from the Attorney General's Office in reference to this bill which was prepared by an Assistant Attorney General, Mr.

Doyle, and he says: "In the event that it is the intentment of the language to require the United States Attorney to give or not give his approval, I would suggest that the State of Maine cannot bind a federal officer by a state statute. The second clause of Article VI of the Constitution of the United States provides that the laws of the United States are the supreme laws of the land. The point of course is that because of the supremacy of federal law the state rule would have no application. This suggests a possible constitutional problem with the language as it applied to the United States Attorney. If the intentment of the language be that as a condition precedent to the bringing of a motion for an order compelling the answer that the Attorney General and United States Attorney both waive any rights which they may have to prosecute for the crime, I raise the question whether as a practical matter those respective officers will desire as a matter of policy to bind themselves by such a waiver."

So there are law enforcement problems with this, there are constitutional problems with this bill. I move that the bill be indefinitely postponed.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brennan, that L. D. 1102 be indefinitely postponed.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: During the last session of the legislature I introduced a witness immunity bill which was requested by the Attorney General and this provided that under certain circumstances a person could be compelled to testify in exchange for his being given a grant of immunity from criminal prosecution and this was advanced as one method of dealing with organized crime, and this bill did become law and in fact it has been used in our criminal courts on at least one or two occasions that I can think of since.

Now the situation that is pointed out by the gentleman from Port-

land, Mr. Brennan, is, let's assume two hypothetical characters, Joe Valachi sues Mo Mo Ciancana for an automobile accident and they have a deposition set up and under our civil law one party may compel the other to testify in a deposition, and as this bill was originally proposed the defendant Mr. Giancana and perhaps one of his agents, servants or employees could come in and testify, and as Mr. Brennan points out, take a glorious immunity bath with pink bubbles and the whole business, confess to every imaginable crime, including those perhaps that he hadn't committed, and then defy at a subsequent time the law enforcement agency who attempted to use any of this evidence against him.

Now the bill in its present form provides that the person who wishes this information in the deposition must secure the approval of the Attorney General of the State of Maine and of the United States District Attorney. And upon written approval from them then a court may after hearing grant immunity and compel the testimony. So that the bill now in its present form applies to the civil law approximately what we have been providing for the criminal law. So I think at this point I should tell you that the Attorney General of Maine has indicated, and I believe that any subsequent Attorney General — well I would hope that any subsequent Attorney General would establish as a policy that he would not approve such a request and therefore the testimony would not be compelled.

So on this happy note I want to indicate to you that you can vote for the bill, I shall vote for it confident that the Attorney General would not approve such a request unless — I can't imagine the situation, but if he did that is all right, and if the present nominee for the position of United States District Attorney assumes the powers of that responsible office, I am quite sure he is not going to approve any such request. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I didn't realize my good friend from Portland, Mr. Brennan was going to move for indefinite postponement, but since he has I would also respectfully request that if the electronic machine is working, and only in that contingency, that the vote be taken by the yeas and nays.

Now I hope that I live to see the day when the Honorable Joseph Brennan becomes the second Mr. Justice Brennan, and I know as Mr. Justice Brennan he is going to be as zealous in protecting people in the Fifth Amendment as he is today in this House. Now I really haven't had a change of heart. I studied the background of the Fifth Amendment. I am not at all concerned about the, I would say very frankly, freakish situations that Mr. Brennan poses about Joe Bananas and somebody else cooking up a suit and getting an immunity bath. And frankly I am very pleased with the help from my good friend from Cumberland, Mr. Richardson, who apparently is killing me with kindness this afternoon, and I appreciate that.

Now there is such a thing as consistency and there is such a thing as being fair. Now this letter from Assistant Attorney General Jon Doyle that Mr. Brennan speaks about, I mean, really calls for a bit of an answer. I received the letter. A copy of it was sent to — I was going to say Mr. Justice Brennan, but Representative Brennan, and so naturally I found myself on the second floor yesterday afternoon when an important vote was going on to see just what was behind this. So not only did I speak to my good friend, Assistant Attorney General Jon Doyle, but we called in a wise and good man, the Deputy Attorney General, George C. West, and we followed this letter paragraph by paragraph and I asked those good gentlemen point blank, was my bill all right? And I can tell you that what they told me, and I an not violating any confidence when I say that, and this was after this letter had been written, that my bill is all

right. If there are any possible problems with my bill it can be corrected somewhere along the line.

So I hope that you won't take the letter, a copy of which was sent to Mr. Brennan and also my good friend from Cape Elizabeth, Mr. Hewes, who was very much interested in helping me get this bill enacted, as the gospel. Both Assistant Attorney General Doyle, who is a very fine gentleman, and Deputy Attorney General West, who is also a very fine gentleman, agreed that my bill is perfectly all right.

Now frankly I think that my bill makes sense. I have worked a good part of the winter on it. I have had one particular problem in committee, and this is probably the reason why it is getting out at this particular date, but when I believe in something I don't like to give up too easily and I think that this House which approved this bill on the first, second and third reading, should go along with the bill this afternoon. And as far as consistency goes, the only thing I would like to say in that regard is what I sometimes say to my good friend Mr. Dudley when he chides me back and forth, that someone said that consistency is the hobgoblin of little minds, and I don't think that this House has little minds, and I hope you will vote against indefinite postponement.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, Mr. Berman remarks about getting the bill out of committee rather late and that he had some problems. He did, he had no support for it. Then he talks about, well, if there are needed corrections we can correct it someplace else, this isn't the end of the line; though I think this is at the enactment stage in the House, and I suspect it is pretty much the end of the line.

Now my good friend from Cumberland, Mr. Richardson, the Majority Leader, gave a very eloquent argument why the bill should be killed. And then, maybe

I didn't hear him correctly, but I thought he said he was going to vote for it. That sort of astonished me. At any rate, I would ask the House to please do what he says and not as he does on this bill. So I urge you to vote against the bill.

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

Mr. LUND: Mr. Speaker, I would like to inquire of the sponsor or any other person who can answer whether research has disclosed that any other state has taken the step of granting immunity from criminal prosecution as the result of a civil action?

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Research has been directed in several directions, but when a bill is a good bill this particular direction wasn't needed and so it wasn't researched on that point.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brennan, that this Bill, An Act Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect Thereto, House Paper 860, L. D. 1102, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no, and the Chair opens the vote.

#### ROLL CALL

YEA—Baker, Bedard, Benson, Bernier, Binnette, Birt, Boudreau, Bragdon, Brennan, Buckley, Bunker, Carrier, Carter, Casey, Chick, Corson, Cox, Curran, Cushing, D'Alfonso, Durgin, Dyar, Fecteau,

Finemore, Fortier, A. J.; Fortier, M.; Gauthier, Gilbert, Good, Hardy, Hawkens, Hunter, Jalbert, Jameson, Kelleher, Keyte, Laberge, Lawry, Lee, LePage, Lund, Marstaller, Martin, McNally, Millett, Mills, Moreshead, Mosher, Nadeau, Noyes, Ouellette, Page, Quimby, Rand, Rideout, Rocheleau, Scott, G. W.; Sheltra, Starbird, Stillings, Tanguay, Vincent, Watson, Wheeler, Wight.

NAY — Allen, Barnes, Berman, Bourgoin, Brown, Burnham, Carey, Chandler, Clark, C. H.; Clark, H. G.; Coffey, Cote, Cottrell, Couture, Crommett, Crosby, Croteau, Cummings, Curtis, Dennett, Donaghy, Drigotas, Dudley, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Foster, Fraser, Giroux, Hall, Hanson, Harriman, Haskell, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Kilroy, Lebel, Leibowitz, Levesque, Lewin, Lewis, Lincoln, MacPhail, Marquis, McKinnon, McTeague, Meisner, Mitchell, Morgan, Norris, Payson, Porter, Pratt, Richardson, H. L.; Ricker, Ross, Sahagian, Scott, C. F.; Shaw, Snow, Soulas, Susi, Temple, Thompson, Trask, Tyndale, Waxman, Williams, Wood.

ABSENT—Dam, Danton, Jutras, Richardson, G. A.; Santoro, White. Yes, 65; No, 79; Absent, 6.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-nine 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.

By unanimous consent, was ordered sent forthwith.

#### Passed to Be Engrossed

Bill "An Act to Amend Bond Issue Acts by Removing Limitations as to Interest" (S. P. 540) (L. D. 1614) which was tabled earlier in the day and later today assigned, pending consideration.

Under suspension of the rules, the Bill was read twice without reference to a Committee.

Senate Amendment "A" (S-327) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was read the third time.

Mr. Bragdon of Perham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-604) was read by the Clerk and adopted.

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

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I would like to take a moment of your time to explain some objections I have to this bill and then I will move indefinite postponement and you can do as you please, of course.

First, the bill as it comes to us, the intent is to remove the present 5% limitation of interest on state bonds. And the way the bill was written, it didn't put any ceiling in, so Senate Amendment S-327 came along and placed a ceiling of 6% on bonds. Now the bill itself states that there probably will be difficulty selling bonds at 5% or less, so they would like to have a higher interest rate. It states that the bonds are needed to the amount of \$16 million for our Water Pollution Abatement programs, and \$250,000 so that we can develop the Allagash Wilderness Waterway.

Well now if these were two critical items I would not be opposing this bill. But if the State is to raise \$16 million for water pollution projects, it also means the towns must go into the bond market for additional funds or matching funds, and as for the \$250,000 to develop the Allagash Wilderness Waterway, the reason the State took that over was so it wouldn't be developed and would remain forever wild. Now I presume they want to go along and build shelters and put in flush toilets and shower baths for the tourists in the Wilderness Waterway.

Now again I would remind you that at this time we have the highest interest rates in the money market that this country has seen since 1928 or 1929. I am of the opinion, and many financial experts in the Wall Street Journal,

Barron's Magazine and others are convinced that these interest rates will be tumbling before the end of the year. So I think it is ridiculous for the State to go into the bond market at this time, when there is no urgency on any of these projects, and pay a premium on bonds. We can save ourselves millions of dollars if we will have patience and wait six months or more, and absolutely nothing will be held up in the State of Maine that is of any vital importance.

I move the indefinite postponement of the bill and all its accompanying papers.

The SPEAKER: The Chair understands the gentleman from Hampden, Mr. Farnham, moves that we reconsider our action whereby this Bill was passed to be engrossed. Is this the pleasure of the House? It's a vote.

The same gentleman moves the indefinite postponement of this Bill as amended. Is the House ready for the question?

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I have a matter that I would like to read into the record. I am not opposed to the passage of this bill; I am opposed to Mr. Farnham's motion. However, I feel that we do face a real danger and there is some things that we haven't done that I wish we had done and for that matter I would like to get this into the record. I am certainly concerned with rising interest rates, as you are. I am also concerned that every bond issue which we have approved this year contains no interest limitation whatsoever. In other words, the interest will be determined by bids subject to Governor and Council approval only. We have authorized the issuance of approximately \$200 million of bonds that will go out to the people in the next two years. When they are sold the interest rate becomes a fixed charge of government during the period they are outstanding. I believe that we erred in not setting realistic interest ceilings on those bond issues, but it is too late in the game to do anything about it at this time.

I merely hope that the Governor and the Executive Council and our State Treasurer and other officials will be extremely prudent in deciding whether to sell bonds bearing interest rates at greater than 6%. For your information, the Finance Office is presently figuring up the revenue requirements on bonds allocated for the next biennium, they are figuring this cost at 6% at the present time.

I shall probably call this attention to the people before these bond issues in my area, before these bond issues come up; I think we face a real threat. Certainly we don't wish to let these go out—at least what I am saying, I think all of us have some figure in our minds where we would say it would be very imprudent to sell bonds that would be an obligation of the State say at eight or nine or ten percent, something that would be an obligation for 25 maybe 30 years. I think this may have a deterrent effect if the people become aware of it regarding the acceptance of any of these bond issues and I make no bones of telling you that I will not change my voting pattern of many years. I have voted for bond issues in committee and in this Legislature and invariably in the secrecy of the ballot I have voted no. I shall probably do so again on every one of these bond issues because I feel that this is not the time to make available such a large amount of possible bond issues which could be sold in an irresponsible manner at a very high rate of interest. I wish we had set a limitation on every one of these issues.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It is possible that I would go pro or con in my brief discussion of the arguments as brought forward by the gentleman from Perham, Mr. Bragdon. First I am wondering if any effect this would have on the bond issues as out now concerning themselves with the super highway. It is my understanding that this having been built in two sections, that the first section, the thirty year bonds, after payment, revert

back to the State and then the other bond issues come after it. I am wondering what effect this would have, if any, if any member could answer me.

As far as speaking now on what bond issues we have before us, that will be before the people, at least as far as I can see some of these bond issues must be of some value because if we do not pass one, the \$22 million bond issue which will cost us now \$900,000 in interest, that \$22 million which is an obligation which we will have to meet anyway, will wind up in a \$30 million bracket that we will owe at the very next session. Also another bond issue on school construction, on all school construction, if we do not pass that bond issue at the end of twenty years, it will cost us \$37.5 million plus in interest alone.

So I think let's discuss this issue here without in my opinion going into the pros and cons of the bond issues and leave on the record information that might not be altogether favorable.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I was very happy to hear the remarks of that revered elder statesman, the statesman, the representative from Perham, Mr. Bragdon. When he got up I feared he was going to put the meat axe to me but his statement really justifies the remarks that I made to you that this is a perilous situation on interest rates, \$200 million at one or two percent extra could cost this state \$4 million a year extra in carrying charges. So I hope you will go along with the motion to indefinitely postpone.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like to alleviate some of the fears of Mr. Farnham of Hampden. Practically all picnic places are equipped with outhouses fifty years ago and there are no plans to put in water toilets.

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



Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: As far as your financial field is concerned it would be very difficult for anybody to be an expert on this. Some of the outstanding bankers in New York and Chicago are predicting that the interest rates might rise and you would get another opinion from the bankers in Boston. I would think that the prudent thing to do in this regard, would hope and we would sincerely encourage the people who are in charge of buying these bonds that they do it expeditiously, with the best bid and the best advice they can get. I would oppose this motion.

The SPEAKER: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, to indefinitely postpone. All those in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

55 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

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

By unanimous consent, ordered sent forthwith.

#### **Order Out of Order Tabled and Assigned**

Mr. Rideout of Manchester presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Rules be amended by repealing Joint Rule 10 and the following enacted in place thereof:

**10. Filing after cloture. No bill or resolve shall be received by the Legislature after 1 p.m. of the fourth Friday following the convening of the session except by a vote of two-thirds of the body in which it is introduced.**

Thereupon, the Order was tabled pending passage until tomorrow under the rules.

The SPEAKER: The Chair will call the members' attention to Supplement No. 3.

#### **Emergency Measure Failed of Enactment**

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

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

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: The temptation of course is almost overwhelming to go into a long and tiresome debate about this bill, the future of the State of Maine, the welfare of her people, and the necessity for each of us as individual legislators to exercise the judgment we were sent here to exercise. I only want to make two comments. Those of you who say that my people back home don't want an income tax are the first to admit that they don't know the details of this bill, they have no real idea of its impact on their personal situation, yet they all agree that someday we are going to have an income tax but that they don't want it now and therefore it is time for you to respond to what you view as the majority will.

I suggest to you that if every one of us were dictated to by a majority of those people in our district, then there wouldn't be any real reason to have a Legislature, we should just have a computer and we should operate on a government of polls and whatever the majority in the district says, the vote of that district will be cast in that manner. It is our responsibility as legislators to learn the facts, to make the judgments and stand by them.

On that basis I believe that even those of you who have indicated that you are going to vote against this bill if you took this other course that I suggest to you, you would vote for it. Mr. Speaker, I request that when the vote is

taken it be taken by the yeas and nays.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: The time is here in the hall of the House for the members of the House to examine their consciences for the last time and actually say to themselves and to their constituents, this is not exactly what you wanted; this is not exactly what you have requested but times being as they are for the time being it is the best that we can afford to give you for the next year and a half, for the next two years.

We know that some of your people may be dissatisfied in some areas. We know that others may be very happy with it, others may never accept it no matter what the sum might have been or what the tax to pay for it. This type of marathon in a legislative session has always been. However, we feel that this year it might have been a little bit more strenuous than before. The strength and patience with which the members of this House have worked in the last six months is a perfect example that if we set our minds we can do something that will be acceptable under the conditions prevailing.

Certainly some of you have indicated that you have some very serious reservations. Under our present system of government we still think that this is the best system. We had hoped that you might all be able to join in passing this measure. Recognizing some of the fallacies in our democratic society this would never be possible, that we could agree unanimously. I appreciate the support of the members of my party and certainly some members of the opposition party, and thank them for their work, their time, their patience, their perseverance, and also their disagreements.

I think this is a healthy situation that we can sit down and disagree up to a point where there is no more area for agreement or disagreement, but to take what is best

for the time being. I think we are at that junction in the road and I hope the members of this House will support the action of the leadership and the other members that have so strenuously endowed of their time in passing a Supplemental Budget that will continue to serve the people of our State for the next two years.

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

Mr. SAHAGIAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this income tax for several reasons. Under this bill the tax will be on the adjusted gross income, which means that every return will have to be examined and it will take at least fifty examiners, field men, auditors, file clerks and so forth to process these returns and that means another \$400,000 to \$800,000 added to our payroll.

If my estimate is correct, there will be about 300,000 returns filed each year. Out of these 300,000 taxpayers, at least half of them will have to hire an accountant or a tax consultant to help them make out their returns. And if they can get someone for \$10, which I doubt very much, there is another million dollars or more that we are going to burden our taxpayers with.

It is bad enough now to have a federal agent breathing down our neck every time a taxpayer turns around without having the state examiners to entertain too. And this is notice to the laboring man—that 80% of this income tax will come from the working man who earns between \$8,000 to \$11,000, because that is what the Internal Revenue Service shows.

In conclusion, the method of taxation is not the solution for our problems. The real solution is that we must come to our senses and put an end to this wild spending spree. We should declare a moratorium on all expansions for the next five years at least, with the exception of our dedicated state employees and institutions.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I will not go into the merits or demerits of the income tax. I think we have all heard those arguments several times and I think we all know what they are. I personally believe the biggest problem we have today in trying to pass this tax measure is pride. I think that the large majority of us agree that the needs are there and that they should be funded. Many of us have categorically stated there would be no income tax this session. Now many of us have put our sense of responsibility as elected officials ahead of personal pride and our reputation as prognosticators. By passing this measure today we are truly meeting our responsibilities. So I urge every member of this House to support this bill.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: At the outset let me say this. I am not a candidate for Governor nor do I aspire to a job from the Executive Department. I am not a starry-eyed educator, just a poor little fellow from the City of Lewiston who has his working people at heart and I feel that if we pass this income tax at this time we will be back in two years; we will be lowering the exemptions; we will be doubling the graduated scale and we will be creating another bureau in this state, as the gentleman from Belgrade just stated, where there will be no end.

We now have one major tax with one bureau; now we will have two, with two bureaus. First thing you know we will be asked to build another office building to take care of those people, they won't have any more space. I think it is about time that we as legislators who came here with a responsibility to the people, not to tax their pocketbook until it bleeds but to have voted for a certain amount of increased State services, and now here we are being asked to add another 44 or \$55 million to their burdens. I think we have gone far enough. I feel that if this keeps up we will

have a tax rebellion in this state and that is why I oppose this package at this time. Not so much the taxation package, I oppose the spending as I have said all along. I think it is time that State Departments started tightening up their belts, live on what we give them to live with, and they should be satisfied.

I know that every estimate that they ask for was almost given to them in whole. I think we have gone far enough and I know that the people at home are, will be and will remain very upset for many years to come and I doubt very much if my Party with sixty-six members in this House now will have that many when we return in two years.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I think those who have known me here during this session realize that my principal objection all along has been the size of the budget. Now I am going to say something again here and I hope it is understood in all good faith. I feel that when your Appropriations Committee can make a concerted effort to do the budget, when the leadership can make a concerted effort to find many tax programs, that if we are going to have any kind of a reasonable reduction here when there has been such a display of people wanting this, that it had to come from the leadership to propose a reasonable reduction.

I don't feel that a 30 or \$33 million budget is going to cheat the people of the State of Maine. This would still be the largest budget, supplemental budget that we ever have passed. I think it is impossible for a single legislator to propose and come in here with amendments to reduce this budget. We are only set up here as clay pigeons to be shot down each time we come in, but I do feel there has been a strong group here who have looked forward to some real help from the leadership to help them reduce this budget and they might have gone along with any tax if this had happened. Thank you.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday I was against the income tax and I am against the budget. This \$43.5 million is too much money. It is a river I can't float on and I am not certainly going to get on a ship called the Income Tax and float down with it. I don't want my people back home burdened with this kind of a tax; they don't want these services; they don't want the size of the budget and I am not going to support it today or tomorrow or any other day.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: If an income tax is passed by the Maine Legislature all of our money problems will be over. Anytime the State needs money all the Legislature needs to do is to raise the rates. Many years ago an individual was only taxed at the rate of 2% with a very high exemption under the federal income tax law. Today the progress of rates go as high as 70% plus, of course, the 10% surtax tacked on when the Government needed more money.

I wonder what is to prevent the cities and towns from levying an income tax on their residents following the procedure of the other states where municipalities have created income tax laws following the action of the state? What concerns me considerably is that in our endeavor to bring in industries to my area of the state is that our sales talk has emphasized strongly on the fact that we do not have an income tax in Maine. As I stated perhaps too vehemently yesterday before this House I am fully aware of the organized groups who are making a lot of noise for an income tax in Maine. I also feel that a personal income tax in Maine would require a whole new system of collection, and create experts in administration and opinion. These increases in expenses would reduce the proceeds. Two years from now if this

tax is passed there are going to be those of you who say, well it is too late, if I had only have known. To me these are two of the saddest expressions in the English language. Thank you.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call 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 Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Members of the House: We have had a long, rigorous session here in the Legislature. While we have been down here we have had a chance to get acquainted with each other and I am sure we all agree that we found that this Legislature is made up of some very nice people. We agreed on some things, we have disagreed on other things. We have put through some legislation that we feel right now and probably will hold is good legislation and other legislation got through that probably time will prove to be bad legislation.

But no time during the progress of this Legislature has it been proven that the democratic process has been stifled here. We have been given the opportunity to expound our ideas for the acceptance or rejection of our fellow members. This has certainly applied to our budget; it has been before us for months. We have considered various tax programs until we almost choke on the word. We have had amendments offered which would have revised the level of our spending upward; we have had other amendments which would have provided downward spending. They have all been considered; some have been accepted, some have been rejected,

and now we arrive here today at the hour of judgment.

This is a fact that no other program, tax program, which has been offered us in this session of the Legislature, has received the degree of support which this one which is now before us has.

Let us consider the context under which we are considering this.

We are a team of 183 individuals of divergent views and varying political persuasions. And I believe it is important for each of us to recognize that we do not establish our excellence as an individual legislator by exercising our prerogative to deny action, but rather by our willingness to cooperate with each other in accomplishing some positive action after this democratic process which we have been involved in for several months has been completely exhausted. I believe today that this process is exhausted, that we as individual legislators are exhausted, and I hope that now we can in a true spirit of cooperation take an affirmative action, by so doing take a long step towards adjournment. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It is not my intention to make any motions. It is not my intention either to present, should this fail of passage, the amendment that is printed and already before you because after the news that I have found in the last few hours, it is my concentrated opinion that even that amount would prove disastrous and would prove too much to ask the taxpayers of the State of Maine to absorb.

I stated yesterday—and there was some questioning of it, as to just what we were building ourselves into. I spent a considerable amount of time early this morning and during the lunch hour going over with the experts in the Education Department as to what this program on school subsidies alone meant in the next biennium, and when I speak now I do not speak about what we are going to spend or what we are going to ask for

improvements, I speak about to keep the store open. And with the passage of this measure wherein it concerns the school subsidy alone, it means, without one penny of improvements, to meet our legal obligation concerning school subsidies an additional \$21,500,000.

Now if you would take the remainder of the 300 some odd million dollars and multiply it by its usual five per cent which is on its way now to going to a whopping seven per cent and multiply that by the 300 million plus, you would then arrive — adding to it the interest on bond issues, adding to it the meanings of the problems that we must face, you would arrive — and to keep the store open on our Current Services budget, which would mean one of three things. It would mean to meet the current services the raising of the sales tax from 5 to 7 per cent. It would mean doubling on this present package now on the income tax, or it would mean one cent on the sales tax and one more go around on this present income tax.

Now these are not figures that I grabbed out of thin air. I am fully aware that our revenue goes up within the next year and the next two years, but certainly also our spending goes with it. I am not talking now about what we are going to do for the future, and is there anyone in this House here who has any doubt that the University of Maine would stand still, that the Health and Welfare Department would stand still, that the Department of Education would stand still, that the eighty some odd other agencies would stand still? It was my hope at this session that we would not have such a package. I was one of those, and certainly not because of pride, certainly because of belief that would hope that we would not have either a personal income tax or a hike to six per cent on the sales tax.

Because ever since I came here, ever since we first formulated the General Operations subcommittee on the Research Committee, I then became convinced that we could go and spend some time and go through all the areas of state government and I became convinced that we could very well

make some curtailments, we could even make improvements where necessary. But certainly we could make some serious curtailments. It would be my hope that we would have a chance to do this instead of adding on some three hundred help, even though some of them are necessitated through the federal government.

I repeat myself that I would not introduce should this fail of passage my amendment which calls for a great substantial sum of money. However, I have another ready which I think would be meeting the needs of the people now. Let us bear in mind here just what we do in record when we ring up this one to the average taxpayer, poor, middle class or wealthy. We have voted in a one cent gasoline tax, a tax on excise, a half cent more on the sales tax. We have given the people a trade-in but twenty-six days later we want to take that away. And now we want to give them — and I am not at all objective to the corporate income tax, we want to give them a personal income tax.

I think, in my very humble opinion, that this is a very bad error. I don't think it is in the best interests of good government. I refer again to the point of pride. I do not come here and stand here voting because of my pride. I come here with pride, but I come here to vote with my head and with my better judgment. I am influenced when I think it is right to be influenced. When I feel in my heart — and I have on more than one occasion, voted and sponsored bills and legislation that involved themselves into programs that needed taxation. I have then met them.

I think this program is altogether and by far too high. I commended the leadership of both parties and both branches after urging, after urging after urging to meet and get together. When they met the package was \$35 million. They are now all through meeting so now what was \$35 million when they started to meet now becomes \$45,399,000; that is too much for me to swallow. I shall vote no on this bill and as the gentleman from Bangor, Mr. Kelleher said yesterday, today and tomorrow.

The SPEAKER: The Chair has observed in the Hall of the House the former Governor of this State, and the Speaker would be honored if he would join him on the rostrum. Will the Sergeant-at-Arms escort the former Governor to the rostrum. The Honorable Robert M. Haskell. (Applause, the Members rising.)

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: The formula that the Education Committee came out with after many months of work and trying to figure out what was the best formula for equating the educational opportunities for the children in the State of Maine is not a built-in formula, it does not mean that the 105th Legislature will have to come up with any amount of money. This formula is very definitely keyed to the amount of money that is available, that is the strongest and biggest force that has to do with the amount of money that we have to work with. Then this formula can be changed in order to make that amount of money available to the municipalities and the school districts in whatever is an equitable fashion.

I am sorry to have to disagree with Mr. Jalbert, but there is no built-in addition for the 105th. This is completely up to them to decide and it is up to them to know how much money they have, how much money they want to put into it, what they are going to want to do is up to them and we have not committed them to anything.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would merely suggest to the gentlewoman from Newport, Mrs. Cummings, that in this area I would refer to the expert, Mr. Chester Booth, who told me today that according to law, according to law, and he told me in front of Mr. Garside, our Finance Officer, and our Deputy Finance Officer, Mr. Hinds, that according to law, the built-in was

\$21,500,000 for the meeting of the program that we have before us. And, Mr. Speaker, before I sit down, whatever information I have I can thank the gentleman with the red jacket, the Honorable Governor Robert M. Haskell. He has taught me and he has taught me well, and he made one comment, and many years ago, when we passed this formula it will do two things and, Governor, that is where we are now.

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

Mr. BENSON: Mr. Speaker and Members of the House: There has been reference made to the leadership and the leadership effort made in this session of the Legislature as it pertained to the size of the budget. Number one, the Appropriations Committee is charged with the responsibility of reviewing State Government programs and reporting back to this body and to the body at the other end of the corridor their findings as to budget requirements. That has been done. The leadership of both branches, I feel, has exhausted every possibility in presenting to you tax possibilities to fund that budget. Numerous attempts have been made to reduce the budget, and in several areas this has been done.

I feel that a good faith effort, to use an old expression, a good faith effort has been made by the leadership. I feel that the leadership has done everything that it could to bring before this body necessary information, information that you must have to make a valid judgment on this budget.

Many of the items in this budget are nothing more than transfers of tax burden from the local level to the state level. This accounts for much of the size of our budget. Much of our budget is because of a federal court ruling that our mental institutions must not work in excess of 40 hours unless they are paid time and a half. These are things that we have no control over. They do add to the size of the budget. I am sure that anyone could stand before you in any session of the Legislature and predict that there would an

increase in taxation in the following session. This is bound to be. I see no way out of that.

We are faced today with a budget which is a little bit too high for some of us, to be sure, and it is not quite high enough for some of us, to be sure, and we are asked to pay for that budget. We are asked to pay for it with a personal income tax and with a corporate tax. These methods of revenue measures are not palatable to many of us. The taxes are like medicine, they are very very difficult to swallow. I ask you to swallow just as hard as you can today and push that little white button to the left. I think this is the solution to our problem. Thank you.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Certainly no votes are going to be changed this afternoon. I will be neither long nor impassioned. Yesterday in speaking in favor of the graduated income tax I happened to mention a horoscope. And today a member of the Press asked me what it said today. I said to them that I had not had time to read it today because basically I am not a believer nor a devotee of advice given by horoscopes. But this noon I did look it up, and it was most interesting, and I will be very happy to read it to you for your edification only.

"Thursday, June 26, 1969: Consider results from past actions or decisions you intend repeating. If they were inadequate, strive to better your efforts at this time."

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I promise you that this is my final comment on this bill at this time. You can because after we enact it, then we can all tell each other some very funny stories.

The first thing I want to follow up on is the comment that was made by the gentleman from Lewiston, Mr. Jalbert. As I understand it, Mr. Booth's figures mean that if the Board of Education recommends the high figure of

\$21.5 and if he included it for the

Legislature in his budget, the recommended budget from the Governor, the bill in its present form, as I think the gentle lady Mrs. Cummings has pointed out, it is designed to protect the Legislature against any increase in the school subsidies if they determine that that is what they want to do.

In response to the gentleman from Belgrade, Mr. Sahagian, the figures that he has given you, which I assume are the product of careful research, don't jibe with the State Tax Assessor. And the comment that 80 per cent of the tax is paid by persons within a certain bracket which he gave — I believe \$9,000 to \$14,000, totally ignores the fact that this bill allows us to set up our deduction schedules, and if you will look at the materials that have been presented to you you will see that the statement just does not hold water.

Finally, there is no other program. There is no pot of gold at the end of the rainbow. There is no alternative that would have any reasonable chance of a success. For that reason, the choice today is very clear. If you vote yes you will vote to responsibly fund a responsible program. If you vote no, you will vote to go home in confusion, disarray and bitterness. The Legislature's responsibility is to confront the problems and meet them sincerely, honestly, and I suggest to you that this is no place for wounded vanity or wounded pride. This is the place for people to be consistent. This is the place for those who signed this budget to be consistent. And I can't imagine that a quick change of heart can be based on careful analysis of the fact.

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

Mr. SAHAGIAN: Mr. Speaker and Members of the House: In answer to the gentleman from Cumberland, Mr. Richardson, the statement that I made came from the Internal Revenue, and if they are false statements that I have made then the Internal Revenue has made the statements. I have made no false statement.

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

Mr. BERMAN: Mr. Speaker and Members of the House: We have heard many words, many words on this matter. We may hear some more, so mine will be few. It is very clear that we are living in an inflationary age, and Maine is not immune to its ravages. We do have a chance today to slow down the ravages of inflation which affect the rank and file citizens of Maine who are not in the public employment, who are not organized, and who are not in the public eye, but should be very much in our concern. For they are the great backbone of this State.

Now if you push the little white button, as the gentleman from Southwest Harbor has mentioned, to the left, it is very clear that this State will have to go further to the left. But if at least fifty-one of us push that button to the right, I really think we will be right. Thank you.

Mr. JALBERT of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: Just in case the reference was made to me about consistency, I have with me the calendar of Monday, June 23, wherein it concerns Report "B" on this bill. Report "B" is "Ought not to pass." My name is on Report "B", Ought not to pass." At least I am being consistent. I just thought I would make that in passing.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to take much of your time. I did not speak on this the other day. I am known to be a conservative. I campaigned on a conservative—well if you call it a platform. Several things I said I wanted to come down here and do. I wanted to try to reduce the size of State government. I promised to do all that I could to keep down cost of State government. I promised that I would try to hold taxation down, and



specifically that I would oppose an income tax at this session.

Now I am not going to vote against the bill just because I oppose the income tax. I feel that probably sooner or later that will be a tax that we will have to face, but I cannot do it at this session. I had hoped there could be some compromise on the Part II budget. When the Part I budget, the General Services budget was passed, it was nearly \$30 million expansion program written into the Part I budget. We were given to understand, perhaps that because of that expansion program built into the General Services budget that the Part II budget should be pretty reasonable.

The first Part II budget that came out of the Appropriations Committee was, we first heard was going to be \$31 million. Then the figure was changed to \$34.5 million I believe. At that time I expressed opposition to a Part II budget of that size. I had hoped that there could be ways of modifying that Part II budget. I certainly didn't have the wildest idea that it would be modified upward, which has been the case. I realize too that the leadership has been under a tremendous problem. We had an attempt for the sale tax increase which failed. We found we couldn't pass it. We tried another tax measure which failed. We have another one here today. But I still think that the chief failure of this package is because of the package itself. We have read in Reader's Digest where the people are rebelling against taxation. They don't understand any reason why; they won't accept any reason why. They just want less taxes. They want less cost of government. And we are told to try to keep that cost down.

Now of course every department can justify its request. That is understandable. Just like the counties justified their request when they asked for their history-making request this year. And what did we do? In a good many cases we cut their budget right in half, and we told the county commissioners this is what you will get and you will operate your counties. But apparently we cannot

do that with our departments here at state level. We have no machinery for doing that.

Now I am in agreement with Mr. Emery's statement yesterday that it is not the grass-roots people that are demanding these additional services. It is our bureaus that are demanding it, not maliciously, but merely through the fact that the turning wheels gather more bureaus through their very existence. And it is very easy to build those bureaus up.

Now I don't know what other means we have for keeping cost of government down except the purse strings. Now with our budget package at forty-odd million dollars. I have said I am being consistent. I have said right along that I could not buy it, and I cannot vote for it.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Sometimes when we consider that our troubles are very very serious and we look at some of the other people around us and find that they are in many more serious trouble, we can lighten our own burdens. Now here is a letter I received from a citizen of Portland and it is probably useless to do any talking because we probably have to accept the idea that no amount of talking is going to change anybody's idea. But just to make us feel a little happier and perhaps to take some of our alarmist feelings away from us and scare feelings and fear feelings, I would like to read this little note:

"Dear Mr. Cottrell: Maine is my adopted state having moved from my birthplace, New York City, almost a year ago. I am financially assisting a fairly close relative but just think, Mr. Cottrell, I am from a place where there was not only a federal income tax, a state income tax but also a New York City sales tax, a New York City income tax and I paid more rent. I am telling you what I wrote Governor Curtis sometime back, that I believe a personal income tax is not only necessary but the only sensible answer to the problems of Maine at this time."

Now some of us here at the last moment are trying to revive a budget fight, we are trying to predict the future. It seems to me that we should look at history and realize that since 1950 the annual budgets of all states have been increasing 10 per cent a year, 20 per cent for the biennium, and if anybody thinks that they are going to stop this trend in the next two years I think they are barking at the moon unless we have an awful awful depression.

Now here is another thing. Some have predicted that these income tax rates, these scales will go up and up and up and if we continue to lift, if our budgets continue to lift undoubtedly they will change. But on the other hand if you have a sales tax, if you have an income tax, if you come back here next year and want some more money you can go from 5 per cent to a 5½ per cent sales tax. You don't have to disturb either one.

Just in closing I would like to maybe make this comment, I may be in error but I think our distinguished ex-Governor Haskell, has been one of those who has been on the side of the income tax in financial state problems for quite a while.

The SPEAKER: The Chair would advise the gentleman that he must not influence this House by any remarks relative to a former Governor.

Mr. COTTRELL: I am very sorry. I am very much of a naivete in the matter of these parliamentary rules.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise only to say a few words. Now I don't want to take too much of your time but there are a lot of new members in this session as well as myself and there are a lot of old members, and I am sure that a lot of us had pet bills pertaining to our areas that have gone down the drain, that we have lost. I would like to mention to the members here in the House that this is the chance right now and possibly the only chance that we will have to vote on a bill where

we will definitely have something to take back to our people in our own area.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, we have seen before this session of the Legislature in the area of trying to arrive at what we thought was going to be a fair package to continue the services for the people of our state. When I look back even prior to the beginning of January where the departmental request had been made to the Chief Executive and finding out from the Chief Executive that before he submitted his budget request to us he had already knocked off in the vicinity of \$39 plus million from the departmental requests. From the Chief Executive's requests of somewhere in the vicinity of \$85 million we have also cut that better than half.

So I think we have done just about as good as we can make considering the alternatives. And the alternatives to us is whether we should enact this package in fairness to our own endeavors in this House of Representatives or as to whether we should go home and continue the melee in October or November without knowing even then as to what the budget would be or what the needs would be if they have changed.

I think primarily that as long as the economy of our State and economy of our country remains as stable as it has been, granted additional burdens will be given to the members of this Legislature as well as every other legislature that is going to meet, until we find that the Gross National Product levels off then the economy of the country and the budgets of the country will remain at the growing stage with its growing pains and trying to raise revenues to pay for them.

So far this session of the Legislature we have tried a corporate income tax at 6 per cent with a 6 per cent tax on intangibles and ten cents on a gallon of beer. That did not seem to be acceptable to the members of this House. We have tried a corporate and per-

sonal income tax at a 5 per cent level and that did not seem to be acceptable to the members of this House. We have tried a 2 per cent corporate income tax with an increase to the sales tax of 6 per cent. That was not acceptable to the members of this House. Today we are considering the possibility of applying a 5 per cent corporate and a graduated personal income tax of from one to six per cent depending on your wage earnings. I think by far this package gives to us a reasonable level for which we can fund State government and I think it will be fair to those people that are making the money that they will be paying the taxes and that will protect those that are in the low income and cannot afford to pay additional taxes. Thank you.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will be very very brief. I suspect it does no good to talk to you this afternoon, me or anybody else, because the issue has already been decided in your mind except I don't want to let this go by without having my say like everybody else. I have heard say we wouldn't be pressured but I see a lot of people have their arms twisted in the last couple of days.

Now I had a few things that I sat here and listened to that I want to point out. One lady said there wouldn't be no built-in thing and just an educational loan she was talking about, and I am afraid that there would be several million involved the next time around. What about welfare? When we take 18 per cent away from the towns sounds good but this is only to create more government at a central government and this I assure you is going to go by leaps and bounds, they are just sitting back waiting for the day when they can get out and sell more government or more of this welfare to the people.

And if you would take note of the figures that I gave you the other day on how many more people are working for government now, take into consideration the population has remained the same

pretty constant in the last ten years. If you take these figures into consideration along with how much welfare has grown and compute this for ten years hence, you will pretty much find out that you are either going to be retired, working for the State of Maine or on welfare at the end of ten years if this rate continues.

So I want to say this so that I can tell my grandchildren that your grandfather had no part in this particular type of legislation. This is where it is going to bind because the next generation this is not going to be this small, meager amount that you see before you today. That is only one foot today in the door. Now it is going to be not \$21 million next time around; it is going to be many millions; you are going to be hit from all sides and this meager little amount of today means nothing.

I suggest in sitting down, in one of the words of a great statesman one time said, "You should listen to the people because quite often they are right." And if you do that you will find the people back home don't want these services and therefore they are not willing to pay the tax. Here is the book where you can get a lot of information. In 1956 it said thirteen pages. I will tell you just once more. Today it has 196 pages.

The SPEAKER: The pending question is on the enactment of House Paper 1281, L. D. 1608, 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. A roll call has been ordered. If you are in favor of the enactment of this bill as an emergency measure you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA—Allen, Baker, Barnes, Bedard, Benson, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Buckley, Burnham, Carey, Casey, Chandler, Chick, Clark, C. H.; Coffey, Corson, Cottrell, Cox, Crommett, Croteau, Cummings, Curran, Curtis, D'Alfonso, Dam,

Drigotas, Erickson, Eustis, Farnham, Faucher, Fecteau, Finmore, Fortier, A. J.; Fraser, Gauthier, Gilbert, Giroux, Good, Harriman, Haskell, H a w k e n s, Heselton, Hunter, Johnston, Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lewis, Lund, MacPhail, Marquis, M a r t i n, McKinnon, McTeague, Meisner, Millett, Mills, Mitchell, Morgan, Nadeau, Norris, Noyes, Ouellette, Pratt, Quimby, Ricker, Rideout, Ross, Santoro, Scott, C. F.; Sheltra, Stillings, Susi, Tanguay, Temple, Thompson, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Wood.

**NAY**—Berman, Birt, Bragdon, Brown, Bunker, Carrier, Carter, Clark, H. G.; Cote, Couture, Crosby, Cushing, D e n n e t t, Donaghy, Dudley, Durgin, Dyar, Emery, Evans, Fortier, M.; Foster, Hall, Hanson, Hardy, Henley, Hewes, Hichens, Huber, Immonen, Jalbert, Jameson, Jutras, Kelleher, Kelley, K. F.; Lee, Lincoln, Marstaller, McNally, Moreshead, Mosher, Page, Payson, Porter, R a n d, R i c h a r d s o n, H. L.; Rocheleau, Sahagian, Scott, G. W.; Shaw, Snow, Soulas, S t a r b i r d, Trask, Wight, Williams.

**ABSENT** — Danton, Richardson, G. A..

Yes, 93; No, 55; Absent, 2.

**The SPEAKER:** Ninety-three having voted in the affirmative and fifty-five in the negative, and three being absent, the Bill fails of enactment.

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

**Mr. RICHARDSON:** Mr. Speaker, I move that the House reconsider its action whereby this bill failed to receive enactment.

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

**The SPEAKER:** The Chair will now call your attention to Supplement No. 6.

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

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

Bill "An Act Providing Funds for the Official Observance of the 150th Anniversary of the Formation of the State of Maine" (S, P. 590) (L. D. 732) which was passed to be enacted in the House on March 6 and passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" on March 4.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-38) and Senate Amendments "A" (S-16) and "C" (S-328) in non-concurrence.

In the House:

**The SPEAKER:** Is it the pleasure of the House to recede and concur?

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

**Mr. HEWES:** Mr. Speaker, I do not as yet have S-328, which is Senate Amendment "C", and I would think therefore it should be tabled until later in today's session until it is circulated.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending further consideration and assigned for later in today's session.

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

Bill "An Act relating to the Purposes and Powers of the Maine Port Authority" (H. P. 1265) (L. D. 1595) which was passed to be enacted in the House on June 26 and passed to be engrossed as amended by Senate Amendment "A" on June 24.

Came from the Senate with Senate Amendment "A" (S-310) indefinitely postponed and the Bill passed to be engrossed in non-concurrence.

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

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

Joint Order Relative to directing Legislative Research Committee to study re shortening foreclosure period of real estate mortgages

(H. P. 1289) which was read and passed in the House on June 26.

Came from the Senate indefinitely postponed in non-concurrence.

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

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.

On motion of Mr. Benson of Southwest Harbor,

Recessed until seven-thirty o'clock in the evening.

**After Recess**

**7:30 P. M.**

Called to order by the Speaker.

The SPEAKER: The Chair will call your attention to Supplement No. 8.

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

**Non-Concurrent Matter**

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

Bill "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials" (H. P. 1272) (L. D. 1601) which was indefinitely postponed in the House on June 19.

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

In the House:

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

Mr. RIDEOUT: Mr. Speaker, a parliamentary inquiry please.

The SPEAKER: The gentleman may pose his inquiry.

Mr. RIDEOUT: Senate Amendment "D", how do I get at that? What my inquiry is, sir, I don't know my procedure. I am not sure

— I am all right on the bill but I am just —

The SPEAKER: Will the gentleman pose his inquiry.

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

Mr. RICHARDSON: Mr. Speaker, I request that this item be set aside, later in the day.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves that L. D. 1601 be tabled until later in today's session pending further consideration.

Whereupon, Mr. Berman of Houlton requested a vote.

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

A vote of the House was taken.

66 having voted in the affirmative and 14 having voted in the negative, the motion to table did prevail.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Creating the Department of Natural Resources" (S. P. 386) (L. D. 1381)

Reporting that they are unable to agree.

(Signed)

BERRY of Cumberland

REED of Sagadahoc

SEWALL of Penobscot

—Committee on part of Senate.

MARSTALLER

of Freeport

DONAGHY of Lubec

WATSON of Bath

—Committee on part of House.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence and by unanimous consent was ordered sent forthwith.

**Non-Concurrent Matter**

An Act Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect Thereto (H. P. 860) (L. D. 1102) which was passed to be enacted in the House

earlier in the day and passed to be engrossed as amended by Committee Amendment "A" on June 19.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Hampden, Mr. Farnham moves that the House recede and concur.

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

Mr. BERMAN: Mr. Speaker and Members of the House: When I saw the good gentleman from Hampden, Mr. Farnham ready with his mike I sat down and gave him a chance to make his motion. Now all of us have to be realistic in this process. This matter was won fair and square here and some days ago it may have been won fair and square in the other body, but certain things have transpired. It is apparent that my bill can't go all the way. I would have liked to have been able to make the motion on this matter myself, but I want to call it to the attention of the House that this matter which has been quite close to me for many many months has no chance, so I will go along with the discipline of the House and the Legislature and I will agree with the motion of the gentleman from Hampden, Mr. Farnham.

Thereupon, the House voted to recede and concur.

By unanimous consent ordered sent forthwith to the Senate.

The Following Communication:  
(S. P. 544)

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA

June 26, 1969

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

Attached hereto is the Report of the Election Laws Revision Committee appointed by the 103rd Legislature.

Attached hereto is the Report of the Election Laws Revision Com-

mittee appointed by the 103rd Legislature.

Very truly yours

(Signed)

RICHARD N. BERRY

Chairman

REPORT OF THE ELECTION  
LAWS REVISION COMMITTEE

The Election Laws Revision Committee was appointed pursuant to Joint Order Senate Paper 341 to consider various legislative proposals dealing with problems in the areas of recount procedures changing the date of the State Primary from June to September, promotion of machine balloting using punch card ballots, revision of voter registration procedures and related matters.

The Committee worked on the preparation of proposed legislation, in the above-mentioned matters, for submission to the regular session of the 104th Legislature; eight meetings were held.

(Signed)

RICHARD N. BERRY

Chairman

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

The SPEAKER: The Chair will call your attention to Supplement No. 9.

The following Resolve on its final passage and Bill on its passage to be enacted were taken up out of order by unanimous consent.

**Constitutional Amendment**

**Failed of Final Passage**

Resolve Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use (H. P. 878) (L. D. 1121)

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

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

Mr. HICHENS: Mr. Speaker, this being a Constitutional Amendment, a two-thirds vote is necessary and I do not believe we

have that many people here in the House tonight.

The SPEAKER: The Chair would advise the gentleman that there is a quorum and a sufficient number for this resolve to receive final passage.

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

Mr. LEVESQUE: Mr. Speaker, may I inquire as to what amendment is now on this document before we take final action?

The SPEAKER: The Chair would advise the gentleman that it is Amended by Committee Amendment "A", filing number 512, and Senate Amendment "A" S-323.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: If my understanding is correct on the last Senate Amendment that was adopted on this bill, what it would do, it would only prolong the time limit that the municipalities may be able to collect additional monies that would be different from the time that the land was assessed and the actual value of the land when it was sold and I don't know that this is completely satisfactory to my kind of thinking because I can certainly see in some of the areas that this may not be the right procedure that we would want to change our Constitution, because after all this is a Constitutional change and should all the municipalities—and I understand the Maine Municipal Association has agreed that this might be a fairer way of doing it. Somehow or other I still have some reservations.

So, therefore, I am not going to make a motion that it be indefinitely postponed with the thought in mind that it might not receive two thirds tonight and we might have it again tomorrow morning where we may be able to have a second look at it. So, therefore, I ask the members that might have had some reservations not to vote in support of the Constitutional Amendment.

Thereupon, this being a Constitutional Amendment and a

two-thirds vote of the House being necessary, a total was taken. 43 voted in favor of same and 71 against, and accordingly the Resolve failed of final passage and it was sent to the Senate.

By unanimous consent ordered sent forthwith.

#### Passed to Be Enacted

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

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.

By unanimous consent ordered sent forthwith.

The SPEAKER: Supplement No. 7.

#### Conference Committee Report

Conference Committee Report on Bill "An Act Providing for Annual Revision of State Valuation" (H. P. 100) (L. D. 108) which was tabled earlier and later today assigned, pending acceptance.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: This has an amendment on it, the Conference Committee Amendment, and I believe it is under Filing 602 on L. D. 108. I just wish you would turn to page two on that, the second section in 291, where it says they will set up a "Municipal Valuation Appeals Board shall consist of 5 members appointed by the Governor with the consent of the Executive Council," and so on. Then I would wish you would turn to page three under Compensation 293, it says, "Members of the board shall receive \$50 a day for their services for the time actually employed in the discharge of their official duties and shall also receive their traveling and other necessary expenses. The board may employ such part-time secretarial assistance as they deem necessary for the proper performance of records keeping pertaining to the evidence and records of appeals as filed with the board. There shall be made available in

the State Office Building at Augusta, upon request of the chairman of the board, a hearing room with adequate facilities for the purpose of hearing the appeals." Now I ask you, ladies and gentlemen of the House, we are trying to be conservative in this session and I was wondering if you think this is conservative, asking for a board of appeals which I do not believe we need for our towns by any means. Also a board of five paid \$50 a day including their traveling expenses, also setting up an office in the State Office Building in Augusta. I do not believe this is a good bill with this amendment on it at all and I move for indefinite postponement of this bill and all the accompanying papers.

The SPEAKER: The Chair understands the gentleman from Bridgewater, Mr. Finemore, moves the House reject the Conference Committee Report.

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I think perhaps it would be in order to give a little history of this bill. I was a sponsor of L. D. 108, "An Act Providing for Annual Revision of State Valuation." And this bill was a result of a study made by the Legislative Research Committee subcommittee and it provided for — in the original bill, for an annual revision in the off year between the biennial State valuation, in the event that a major change took place in a town such as the big fire in the Town of Guilford. If something like that took place in the off year where a town would suffer a great loss of taxes, they could apply to the State Bureau of Taxation for a revaluation, for an adjustment, provided they could show it was over ten per cent of their loss a ten per cent loss.

The bill passed this House in February. It had a unanimous report out of the Taxation Committee, "Ought to pass." It went by here, just went under the hammer. When it arrived in the other body it was tabled and it stayed tabled there until about a week ago. Then a Senate Amend-

ment was added that provided for a Board of Appeals in the matter of State valuations. It seems that there has been a great deal of dissatisfaction among some of the towns with the State valuation and they were unhappy about the fact that there was no appeal once the Board of Equalization had acted.

There was a time there—I think it was about a month, from the latter part of October to the first of December, when towns had been notified by certified mail what their State valuation would be. And during that period before December first under the present law towns may appeal to the Bureau of Taxation.

I was told by the Bureau of Taxation that this tax here, they had some twenty appeals; and six were granted. They said that a great majority of appeals were on the effect of the State valuation rather than a real genuine disagreement on the figure. The effect of the State valuation of course had to do with snow removal or with school subsidies. However, there was a feeling in the other body that towns did not get the proper attention they should when they made these appeals because of the fact that they are appealing to the same group of people who fixed the valuation in the first place. This appeal went to the Bureau of Taxation and if they thought it was a valid appeal and decided to change it, they could change it before the Board of Equalization accepted a completed list.

So it was the thought of the maker of the amendment that there should be a better opportunity for towns to appeal on State valuation. I think that any one who has had any experience with trying to get their State valuation changed, once it is established by the Bureau of Taxation, might agree with that. However, they said they did make six changes this past year.

The Senate Amendment was drawn up with doing away with the Board of Equalization and in its place putting the State Tax Assessor as the final arbiter in the matter of State valuation. Now



under this amendment they have set up a board of appeals and you will see that it says that two members shall be former city assessors no longer serving in that capacity who have served at least five years previously as city assessors. One member shall be other than a town or city assessor but may be a town or city manager, and I don't know who the other two are but I guess just city assessors.

They seem to feel that if the appeal was made before a different group than the one who originally established the State valuation that it would receive more consideration. There is some difference of opinion as to how that would work out. It depends upon whether they are to present facts, basic reasons for their arguments, or whether they are taken on more or less of a general sympathetic action.

However, when this Senate Amendment was added to my bill it completely repealed my bill in every respect except the title. They were kind enough to leave the title in and the title had no application to the Senate Amendment. It didn't even apply to it in any way. So when that Senate Amendment came along here, came back here—the bill came back for engrossment, then enactment, the House voted to insist and appoint a Committee of Conference. The result of the Committee of Conference was that my bill, the original bill, to provide for an off-year change in State valuation providing there has been a big catastrophe in the town or city, was restored and a small amendment was added to it to tie it in completely with the school subsidy which of course is the real meat of the State valuation anyway. That is the only reason you would be interested in having it changed in the off year is if the valuation went down and you had a loss of taxes it could be more or less replaced by a school subsidy.

All of this was restored and the little amendment put on to spell out the school subsidy business in the Conference Committee report and we did leave in the Senate Amendment that does away with

the Board of Equalization as such and puts in a Board of Appeals.

I hope that that is some explanation of the Conference Committee report and I would hope that you would vote against the motion to reject the report of the Conference Committee.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: Not to try to switch anyone's mind but for Mr. Finemore's benefit, he seemed also worried about the \$50 a day. I can advise him that the minimum fee for anyone making appraisals and a consultation on this basis, the minimum fee would be \$50 a day. If you hire them on consultation it is liable to be more than that.

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

Mr. FINEMORE: Mr. Speaker, I would like to make myself clear, ladies and gentlemen of the House, especially to Mrs. Baker from Orrington. I am very sorry to attack this. I am not against Mrs. Baker because I didn't mind her first bill too much, and in answer to the gentleman about \$50 a day, I realize that \$50 a day doesn't amount to much but if they have very many appeals the \$50 a day plus expenses and heaven knows where these gentlemen are coming from, they could come from Fort Kent and they would have traveling expenses plus all other expenses and together with the appointment of them, and five of them, I am very much against it.

I do believe that it could have been left up to the State assessors if they have a group there, have their regular employees that wouldn't have cost us any more, why I would have gone along with it, but as the bill is written now — and again I say I dislike very much attacking Mrs. Baker's bill, but as it is written now I do not believe it is what we need with the expenses the way they are and the things going on. The State Assessors could have handled this in the off year and we could have the revaluations without any extra expense.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I would simply like to bring attention of the members of the House to the fact that this bill as originally presented was more or less permissive legislation. The Bureau of Taxation assured us that they had no intention of ever making annual revaluations and it was intended as Mrs. Baker presented the case to take care of unusual circumstances where you could have either a conflagration, a catastrophe of some sort, or some industry pulling out or coming into a municipality, and rather than wait a two-year period to have this reflected in your State valuation and on your school subsidies this bill would permit the Bureau of Taxation to make an off-year evaluation. Consequently it would probably be very very seldom that this would be invoked and I believe that this is worthy of your consideration and approval.

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

Mr. DYAR: Mr. Speaker, on page 7 of the Amendment under line 451, Rate of tax, it states "For necessary expenses of local and State Government, a tax is assessed annually at the rate of 15 mills on the dollar for each municipality, township and each lot and parcel of land not included in any township in the State." I question this and I would like to pass a question through Mrs. Baker — am I right in assuming that this would be based at \$1500 for each million dollar of valuation? Is this 15 mills figure correct or should it have a smaller amount?

The SPEAKER: The gentleman from Strong, Mr. Dyar poses a question through the Chair to the gentlewoman from Orrington, Mrs. Baker who may answer if she chooses. The Chair recognizes that gentlewoman.

Mrs. BAKER: Mr. Speaker, this part of the report is not a part of my bill and I am not too familiar with it but by looking at the amendment I would say that this must be the present law and that the only change in that paragraph,

section 451, Rate of tax, is changing the wording from Board of Equalization to State Tax Assessor where Board of Equalization is struck out and a couple of words in the next line and so on. I think that is the only change. I think the rest of it is as the law presently reads. However, this is a I said this is a part of what was a Senate amendment.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: In answer to the question from Mr. Dyar I am quite sure that this 15 mills was left in because it covers the wildlands and when the State did have a state tax on towns and that was repealed they had to leave in something there to take care of wildlands so they wouldn't escape free. And I tabled this because it came up rather quickly and Mr. Dudley was speaking on it and I looked at it and it looked rather wild to me, but during our recess I did get out the statutes and I find out that there is nothing in here that bothers me and in a way I am sorry I tabled it. Mrs. Baker's explanation has clarified everything for me.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I would like to make a parliamentary inquiry for my own education.

The SPEAKER: The gentleman may pose it.

Mr. COTTRELL: Does a motion to recede prevail over a motion to indefinitely postpone on a Conference Committee report?

The SPEAKER: The Chair would advise the gentleman that under the rules you either reject or accept a Conference Committee report. The only action available.

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

Mr. COTTRELL: I guess I am out of order in the motion to indefinitely postpone.

The SPEAKER: The motion on the Floor is the motion of the gentleman from Bridgewater, Mr.

Finemore to reject the Conference Committee report.

Mr. COTTRELL: I would like to say this. I faintly remember this bill and I also remember that it was the unanimous report from the Committee. Now it has been amended but I do notice that three members of the Taxation Committee, one from one body and two from another, have got together in a Conference Committee with others and made this arrangement so I hope the motion to indefinitely postpone does not prevail.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: The gentlewoman from Orrington, Mrs. Baker indicated that a 10 per cent estimated loss would have to be assumed by, I gather from this document, from the local assessors or would it be the 10 per cent that would be made only if they appeared before the assessors as made up in this Appeals Board, or would this be a determination made by the insurance companies that are already determined by the loss that equals the 10 per cent of the total valuation?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque poses a question through the Chair to the gentlewoman from Orrington, Mrs. Baker, who may answer if she chooses. The Chair recognizes that gentlewoman.

Mrs. BAKER: In L. D. 108, section 381-A at the bottom of the page, it states, "Interim state valuation of municipalities—As of October 15th of the year following the filing of the state valuation under section 381, the Board of Equalization shall conduct a review of existing state valuation of municipalities. If it finds that the state valuation of any municipality appears then to be in error by at least 10 per cent, or at least \$50,000 of full value, whichever is greater, it shall adjust the state valuation of that municipality accordingly. The interim state valuation so fixed shall be certified by said board and deposited in the

office of the Secretary of State on or before Demcember 1st."

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore to reject the Conference Committee Report on Bill "An Act Providing for Annual Revision of State Valuation," House Paper 100, L. D. 108. 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.

25 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

The Report was accepted and sent up for concurrence.

The House voted to recede from passage to be engrossed.

Conference Committee Amendment "A" (H-602) was read by the Clerk and adopted.

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

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

Mr. RICHARDSON: Mr. Speaker, with some trepidation I inquire if the House is in possession of An Act to Provide for Full-time County Attorneys under L. D. 1610, Senate Paper 528? Which appears, Mr. Speaker, as item 2 on Supplement No. 9.

The SPEAKER: The Chair is embarrassed to admit that it is before the House.

Mr. RICHARDSON: I move that the House reconsider passage to be enacted.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves that the House reconsider its action whereby this bill was passed to be enacted.

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

Mr. MORESHEAD: Mr. Speaker, I request a division on the motion.

The SPEAKER: A vote has been requested on the reconsideration motion.

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

Mr. BERMAN: Mr. Speaker, I would inquire of the good gentleman from Cumberland or anyone else who may care to answer, what is the purpose of the motion to reconsider after this bill has been passed to be enacted?

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Apparently when the sun goes down the trust quotient goes down with it. Some friends back here would like to offer an amendment to this. It slipped by them, and I am asking that we reconsider in order that someone may table it, in order that these gentlemen may have an opportunity to offer an amendment which apparently would correct what some view as an error, as a differential in the amount of pay.

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

Mr. BENSON: Mr. Speaker, I move that this be tabled until the next legislative day.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, moves the reconsideration motion be tabled until the next legislative day.

Whereupon, Mr. Mills of Eastport required a vote on the tabling motion.

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

A vote of the House was taken.

85 having voted in the affirmative and 18 having voted in the negative, the tabling motion did prevail.

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

Mr. BRAGDON: Mr. Speaker, I was going to make a request to approach the rostrum. But following the example of our esteemed Floor Leader I will pursue another tactic. I would inquire if item 1

on Supplement number 9 is still in the possession of the House?

The SPEAKER: The Chair would advise the gentleman that this matter has gone to the Senate under the unanimous consent order dealing with final passage.

#### Passed to Be Engrossed

An Act Providing Funds for the Official Observance of the 150th Anniversary of the Formation of the State of Maine (H. P. 590) (L. D. 732) which was tabled earlier in the day and later today assigned, pending further consideration.

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

Mr. BIRT: Mr. Speaker, I now move the rules be suspended for the purpose of reconsideration.

The SPEAKER: The Chair would advise the gentleman that the proper motions are recede, concur, insist and adhere.

Mr. BIRT: Mr. Speaker, I now move that we recede.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that the House recede. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the House voted to recede from passage to be enacted, from passage to be engrossed and from the adoption of House Amendment "A".

Mr. BIRT: Mr. Speaker I now move the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from East Millinocket, Mr. Birt now moves the indefinite postponement of House Amendment "A". Is this the pleasure of the House?

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

Mr. BERMAN: Mr. Speaker, I would inquire what House Amendment "A" was all about, please.

The SPEAKER: The gentleman makes an inquiry through the Chair to the gentleman from East Millinocket, Mr. Birt, relative to House Amendment "A".

Mr. BIRT: House Amendment "A" was just a technical change in the bill to correct the figures in the bill. They were misstated at the time and the money was all lumped together and was

broken up into two sections, is what was done by House Amendment "A" under filing number H-33.

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

Mr. BERMAN: Mr. Speaker, if I am in order I would inquire how much money is involved here.

The SPEAKER: the gentleman poses a further question through the Chair to anyone who may answer who chooses.

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

Mr. BIRT: Mr. Speaker, there was \$49,500. This was two figures added together and it breaks it down and replaces with a figure of \$31,500.

The SPEAKER: The pending question is the indefinite postponement of House Amendment "A". All in favor say aye; those opposed say no.

A viva voce vote being taken, House Amendment "A" was indefinitely postponed in non-concurrence.

On further motion of the same gentleman, the House voted to recede from adoption of Senate Amendment "A" and on further motion of the same gentleman, Senate Amendment "A" was indefinitely postponed in non-concurrence.

Mr. BIRT: The Speaker, I now move the adoption of Senate Amendment "C" under filing number S-328.

Senate Amendment "C" (S-328) was read by the Clerk and adopted in concurrence.

The SPEAKER: Is it the pleasure of the House that this Bill be passed to be engrossed as amended by Senate Amendment "C"?

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

Mr. BERMAN: Mr. Speaker and Members of the House: If I am in order I would like to inquire, things are going quite rapidly now, how much money is involved on this new amendment?

The SPEAKER: The gentleman from Houlton, Mr. Berman poses a question through the Chair to

any member who may answer if they choose.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: The amount of money that is involved in this is exactly the same amount of money that was in the original bill. At that time the money was distributed to the counties with no clear supervision. \$31,500 was distributed to the counties to be paid over to the County Treasurer, \$18,000 was allocated to the Commission and \$28,000 was set apart to pay for the printing of a Maine Guide, the receipts from which would be credited to the General Fund. This amendment will put the two sums of money, the \$31,500 and the \$18,000 together, to be paid over to the Commission and dispensed with under their supervision.

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

#### Non-Concurrent Matter

Joint Order relative to directing Legislative Research Committee to study re shortening foreclosure period of real estate mortgages (H. P. 1289) which was tabled earlier in the day and later today assigned, pending further consideration.

In the House: On motion of Mr. Foster of Mechanic Falls, the House voted to insist.

#### Enactor

##### Tabled and Assigned

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) which was tabled earlier in the day and later today assigned, pending motion of Mr. Richardson of Cumberland to reconsider failure of passage to be enacted.

(On motion of Mr. Benson of Southwest Harbor, retabled pend-

ing the motion to reconsider and specially assigned for tomorrow.)

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

Mr. HICHENS: Mr. Speaker, I would ask permission to approach the rostrum.

The SPEAKER: Permission to approach the rostrum is not allowed under this presiding officer.

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

Mr. LUND: Mr. Speaker, may I inquiry if the House is in possession of L. D. 1598?

The SPEAKER: The answer is in the affirmative. House Paper 1270, L. D. 1598, Bill, "An Act Providing for the Conservation and Rehabilitation of Land Affected in Connection with Mining."

Mr. LUND: Mr. Speaker, I move that we reconsider our action of yesterday whereby we voted to recede and concur.

The SPEAKER: The gentleman from Augusta, Mr. Lund moves that the House reconsider its action of yesterday whereby it voted to recede and concur. Is this the pleasure of the House?

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

Mr. DONAGHY: Mr. Speaker, I would like to have a division on that.

The SPEAKER: A vote has been requested on the reconsideration motion

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

Mr. LUND: Mr. Speaker and Members of the House: I might explain for the benefit of the members of the House that the Engrossing Department found that there were some conflict in the amendments which had been—in wording of the amendments which had been adopted and it is necessary to go through some parliamentary procedure in order to correct the amendments so this bill can be engrossed as the House moved to engross it yesterday. I hope that you will vote for reconsideration.

Whereupon, Mr. Donaghy of Lubec withdrew his motion for a vote.

The House then voted to reconsider its action of yesterday whereby it voted to recede and concur.

On further motion of Mr. Lund of Augusta, the House voted to recede from passage to be engrossed and from adoption of House Amendment "A".

Senate Amendment "A" to House Amendment "A" (S-319) was read and adopted in concurrence. House Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

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

Senate Amendment "A" to House Amendment "B" (S-318) was read by the Clerk and adopted in concurrence. House Amendment "B" as amended by Senate Amendment "A" thereto was adopted in concurrence.

On further motion of the same gentleman, the House voted to recede from adoption of House Amendment "C".

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

House Amendment "A" to House Amendment "C" (H-606) was read by the Clerk and adopted in non-concurrence. House Amendment "C" as amended by House Amendment "A" thereto was adopted in non-concurrence.

On further motion of same gentleman, the House receded from adoption of House Amendment "D" and the Amendment was indefinitely postponed in concurrence.

Senate Amendment "A" (S-320) was read by the Clerk.

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

House Amendment "A" to Senate Amendment "A" (H-607) was read by the Clerk and adopted. Senate Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

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

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

Mr. BIRT: Mr. Speaker, I would inquire if the House is in possession

of L. D. 1585, An Act relating to Full-Time Attorney General?

The SPEAKER: The Chair would advise the gentleman and would answer him as the question has been answered before, that it went to the Senate under unanimous consent.

On motion of Mr. Richardson of Cumberland.

Adjourned until nine o'clock tomorrow morning.