

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, January 27, 1970

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

Prayer by the Rev. Mr. Edmond J. Hache of Auburn.

The journal of yesterday was read and approved.

Orders

On motion of Mr. Ross of Bath, it was

ORDERED, that Mr. Binnette of Old Town be excused from attendance for the duration of his illness.

On motion of Mr. Jalbert of Lewiston, it was

ORDERED, that Susan Rogers and Nancy Cohen of Lewiston be appointed to serve as Honorary Pages for today.

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House a Bill authorizing a bond issue for emergency construction at the Vocational - Technical Institutes, and a diagnostic unit for the Boys Training Center. (H. P. 1444)

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

House Report of Committee Divided Report Tabled Later in the Day

Majority Report of the Committee on Judiciary on Bill "An Act to Authorize Issuance of Warrants for Administrative Searches" (H. P. 1333) (L. D. 1662) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. **VIOLETTE** of Aroostook
HOLMAN of Franklin
QUINN of Penobscot
 — of the Senate.
 Messrs. **HESELTON** of Gardiner
BERMAN of Houlton
FOSTER of Mechanic Falls

DANTON

of Old Orchard Beach
 — of the House.

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

Report was signed by the following members:

Messrs. **BRENNAN** of Portland
HEWES of Cape Elizabeth
MORESHEAD of Augusta
 — of the House.

Reports were read.

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

Mr. **BERMAN**: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The **SPEAKER**: The gentleman from Houlton, Mr. Berman, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. **HEWES**: Mr. Speaker and Members of the House: This is a bill that would provide for a new searching of a person's property for administrative code purposes, such as a housing inspector, building inspector, fire inspector. For one hundred and fifty years the state has gotten along without such a law and as I understood the evidence at the hearing there isn't much of a particular need for this at the present time.

According to the representative of the Maine Municipal Association the only town — municipality in which there has been any problem has been in Auburn. Nowhere else among the other 494 towns have we had any problem. Basically I believe that a man's home is his castle and I feel that this bill ought not to pass and I respectfully request a division on the present motion.

The **SPEAKER**: The pending question is on the motion of the gentleman from Houlton, Mr. Berman, that the House accept the Majority "Ought to pass" Report as amended. All in favor of accepting the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

29 voted in the affirmative and 79 voted in the negative.

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

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

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

Whereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending the motion of Mr. Berman of Houlton that the House accept the Majority "Ought to pass" Report and assigned for later in today's session.

Third Reader Tabled and Assigned

Bill "An Act Adjusting Salaries of Certain Unclassified State Personnel" (S. P. 590) (L. D. 1745)

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

(On motion of Mr. Rideout of Manchester, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Passed to Be Engrossed

Bill "An Act to Extend Medical Assistance to the Medically Indigent" (H. P. 1397) (L. D. 1753)

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

Third Reader Tabled Later in the Day

Bill "An Act Establishing a Human Rights Commission" (H. P. 1439) (L. D. 1814)

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

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to this ill conceived piece of legislation and I oppose it for the most elementary and the most obvious

of reasons. It is an affront and an insult to some of the best people in this country, namely the citizens of the State of Maine.

Actually the State of Maine has been noted for years for its Yankee habit of accepting people according to the contribution which they can make to society and for a man's ability. And this shabby little piece of legislation, if allowed to reach maturity, will follow the path of all bureaucratic babies — it will grow into a monstrosity. Right now only \$41,000 is asked to get this off the launching pad. But surely no one is so naive as to think that this will be the extent of their annual demands.

You see these little commissions have the same ideology as a cancer cell — they grow and grow and grow, and each biennium they demand ever larger amounts of tax money. And whereas they may start with a modest request for, say, \$41,000, they will in the next Legislature tell us with perfectly straight faces that, say, \$75,000 is needed to carry on their good work. It is a truism that the nearest thing to eternal life here on earth is a government bureau — they never die.

The principal targets of this little witch hunt will be employers, landlords, public accommodations, and whomever else may attract their attention from time to time. What motivates this type of hysteria? Probably only a trained psychiatrist could give us the correct answer. But we may be permitted a glimpse by a careful reading of history, because it is a fact that many people seem to have guilt feelings if they live in comparative affluence and these guilt feelings often manifest themselves in odd ways.

Thus it happens that a prominent industrialist will become attracted to communist and socialist causes. We have witnessed the spectacle of society leaders lending their names and their prestige to shabby causes, even to the point of ridicule. And it is a truism, it is a truism that some of our kookiest causes have received the blessing and the financial support of responsible people who should have known better.

These people feel the compelling need to identify with a cause, but the cause must be one which can be used as a vehicle for their guilt feelings. If no such cause is handy, then one must be created. Once such causes are started it is sometimes difficult to stop them, because caught up in a semi-religious fervor these gentle and well-meaning people are sometimes ruthless in the pursuit of their ends. They will save us, even if they break our necks in doing it.

This misdirected zeal has been responsible for many of history's tragedies. It was present at the Spanish Inquisition, it drove the Pilgrim fathers from England, it sat in at the trial of the Salem witches; and in the 20th Century it has reached its ultimate in sophistication and refinement. I think many of the older members of this House can remember that day in 1919 when the President signed into law the Prohibition Amendment, which was at one fell swoop to make all of America a nation of stalwart, non-drinking citizens. I needn't remind you of the end of that little experiment.

Now this spirit of masochism has been accentuated and aggravated by the outward affluence of the 20th Century. In a more virile age these well-meaning people might have become evangelists, populists, maybe leaders in the embryo labor movement. Lacking these outlets they turn, in today's world, to such adventures in coercion as this.

Ladies and gentlemen, the bible of this little movement is this booklet, the Governor's Task Force on Human Rights, and on reading this through I am sure that any of you may be pardoned if you paraphrased Winston Churchill's remarks that "never has so many labored so hard to bring forth so little." I would ask you to examine this rather carefully this morning, since you all have a copy. The mid section of this booklet, this magnificent effort, is taken up with pictures, photos of the City of Bangor and the word "blight" certainly is overworked. For instance on one page "Blighting effect of commercial use," "Commercial blight and dilapidation," and so on.

God knows why the City of Bangor was selected for this signal order, and one wonders why these pictures were used, particularly when in many of them some rather expensive cars seem to be portrayed; also every house seems to be equipped with a TV aerial.

And we proceed on to the second section of this evidence — and I use that term very loosely. The next eight or ten pages are taken up with an Indian trial down in Washington County. The writer of these particular pieces has never been noted for understatement and since this booklet was printed the Superior Court in Washington County found that there was no reason to press the charges; everything was dismissed. In an effort to fill out this booklet the last two pages are devoted to housing biases and so on, one from Rhode Island and one from New Jersey. I hardly see how that has any bearing on our problem if we have one here in Maine.

This bill has been kicking around for some time and we are told that this present form, this present draft, is the best one to date. If that is true, it reminds me of a story, one of our Washington County citizens whose credit was in Class 4-F and a very poor reputation in almost every way, but he applied for a job. The man who was investigating him went to one of the local banks in Machias and he said, "Tell me, what about this chap, can you give me some background on him?" The banker stared out the window for a long moment and finally he said, "Well, I will tell you. He will lie and he will cheat and he will steal, but he is the best one in the family."

Now evidently that will hold true of this little bill here. This is the best one to date. But I tell you, I ask you ladies and gentlemen to consider this, that the people of the State of Maine have suffered much at the hands of this Legislature. We have brought into being since last January eighteen new commissions each with its little price tag, and each of which believe me will grow and grow and grow. We have presented the taxpayers with the largest budget in our history and we have saddled

them with a state income tax. Now in the closing days of this Legislature can't we make just this one small concession to common sense?

Ladies and gentlemen, and Mr. Speaker, I move the indefinite postponement of this bill and all of its accompanying papers and since the 104th Legislature has been accused of being roll-call happy I shall only ask for a division.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: If the protection of human rights of all our citizens regardless of race or creed or financial condition is a shabby cause, then I guess I must be pretty shabby myself, and I am pretty proud of it. I heard snickering while Mr. Kelley was talking. I don't see any humor in this situation at all; I am deadly serious. And since the sponsor is not here this morning, I would ask that someone would table it to give him the courtesy of being able to explain the bill.

Mrs. Coffey of Topsham moved that the matter be tabled until later in the day's session.

Whereupon, Mr. Kelley of Machias requested a vote on the motion.

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

A vote of the House was taken.

64 having voted in the affirmative and 52 having voted in the negative, tabled pending the motion of Mr. Kelley of Machias to indefinitely postpone and later today assigned.

Third Reader Amended

Bill "An Act Repealing the Property Tax Certificate Requirement for Registration of Watercraft" (H. P. 1441) (L. D. 1816)

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

Mr. Susi of Pittsfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-657) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act relating to Retirement Allowance for Widows of Governors (S. P. 635) (L. D. 1810)

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, 103 voted in favor of same and 15 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify the Education Laws and Subsidy Payments (H. P. 1309) (L. D. 1623)

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, 118 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act relating to Rules and Regulations for the Protection of Health and Safety (H. P. 1311) (L. D. 1625)

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

(On motion of Mr. Temple of Portland, tabled pending passage to be enacted and specially assigned for tomorrow.)

Enactor Tabled Later in the Day

An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants (S. P. 576) (L. D. 1703)

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

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

Mr. MARSTALLER: Mr. Speaker, I would like to pose a question to any member who could answer. The question has come to me, if we pass this measure and then someone comes to the local welfare department requiring aid, will there be any way that the local welfare department can find out from the state whether or not this family is on Aid to Dependent Children?

The SPEAKER: The gentleman from Freeport, Mr. Marstaller, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: I would suggest utilizing AT&T.

(On motion of Mr. Marstaller of Freeport tabled pending passage to be enacted and later today assigned.)

Passed to Be Enacted

An Act relating to the Salary of the Executive Director of the State Board of Nursing (H. P. 1436) (L. D. 1809)

An Act relating to Compatibility of State Income Tax Law with Federal Laws (H. P. 1442) (L. D. 1817)

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

Orders of the Day

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

Bill "An Act relating to Rate of Interest on Real Property Taxes." (H. P. 1335) (L. D. 1664) (Committee Amendment "A" (H-648) adopted)

Tabled—January 26, by Mr. Gauthier of Sanford.

Pending—Passage to be engrossed.

On motion of Mr. Carrier of Westbrook, under suspension of the rules, the House reconsidered its action of January 22 whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-664) was read by the Clerk.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I move that this amendment be indefinitely postponed. I would like to speak briefly to my motion.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that House Amendment "A" be indefinitely postponed. The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker and Members of the House: This would be quite an error to pass this amendment as I would like to read you what goes with it. "The rate of interest shall be specified in the vote and shall not exceed the rate of interest paid per year by the municipality on money borrowed in anticipation of taxes, plus an additional ½ per cent per year."

Well, Mr. Speaker and ladies and gentlemen, there are a lot of towns in the state, including my own, that doesn't borrow money in anticipation of taxes. This being true we wouldn't have any interest rate at all. We would not be able to use our 6 per cent that we are using now in my town. It would leave us right up in the air with no interest rate. And another thing, most towns wouldn't borrow until after the first day of April, until after they had had their annual town meeting, and therefore they wouldn't be able to put a rate of interest on.

But my big point is the fact that any town — you can read it yourself — any town who doesn't borrow in anticipation of taxes could not put on any interest rate at all. So therefore, I hope you will go along with indefinite postponement of this amendment.

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

Mr. CARRIER: Mr. Speaker and Members of the House: Naturally I oppose the motion for indefinite postponement of this amendment.

The amendment is put in good faith. I think it is better than the amendment, or the bill that was presented.

There seems to be a trend in this Legislature recently to try and pass bills and present bills to punish the homeowner beyond reason. Now this bill, let's just consider a minute what the original law is. The original law says that they can charge 8 per cent interest on unpaid taxes. The bill was that to raise it to 12 per cent. The committee brought it back and cut it down, that they charge 10 per cent.

Well it seems as if the purpose for putting this bill in was the fact that some municipalities had to borrow money at a different rate of interest. No one has stated to me, and I have made a lot of inquiries, that any municipalities in this state, as yet, have paid in excess over 8 per cent. On the other hand there are many municipalities that have paid in 1968, on money in anticipation of taxes they have paid 4.7, 5.4, 6.5. They run anywhere from 4.5 up to 7 per cent, or maybe a little more.

On the other hand, all these people were covered under this 8 per cent. It is true that they don't have to charge this rate of interest to the one that doesn't pay his taxes. But on the other hand, let's also consider that most of the people that do not pay their taxes probably have had illness, they probably had death in the family, and it could be very easily by oversight. And so they are punished by charging them, at times, as much as almost double of what the city borrowed the money for.

Now this amendment was presented with the idea that this is an amendment which would escalate as the taxes escalate, or as the rate of interest escalates. That then the municipalities could set their own charge on unpaid taxes without having to come back here at the next Legislature, or in two Legislatures from now, when the interest goes up, let's say if it ever goes up to 10%, and then put another bill in that they want it raised to 11% or 12% because they are paying 10½%.

So this is the reason, this way here, if they charge — if one municipality charges 4% he could charge 4½% if he wants to. That would be the limit. But if he doesn't want to charge any interest at all he doesn't have to.

I submit to you that most people today that do not pay their taxes, they mean to pay them, and for some reason or other, I believe that through difficulty, financial difficulty or otherwise, that they are not able to pay them.

A few days ago in this House there was a bill presented to give an exemption on farm machinery. This bill, I supported, and I was glad to. I know it hasn't gone through, because I see it is back here today. But on the other hand we were trying at that time to help the farmer who, through no fault of his own, could be straddled by a financial loss due to weather or many other things that come up that would put limitations on his income.

Now today if this bill is passed on the 10% affair I submit to you that this is exactly the opposite of what we did last week. You are trying to give with one hand and take away with the other. I believe that the people of this state pay, and they pay highly, through taxes; whether they are fair, there is always a question about that. But I truly believe that this amendment would be much fairer to the people who for some reason or other cannot afford to pay their taxes when they are due. I hope you oppose and you vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: What we are talking about here is the delinquent taxpayer. Now these towns are not in the business of running a bank and lending money to people. The last few years interest rates have gone up.

I came across a Wall Street Journal the other day out in the Retiring Room, and I read in there where a man named David Rockefeller runs a bank in New York City, Chase Manhattan Bank. I take

it it is just like any of the banks that we have around here. He wanted to borrow \$30 million. Now ordinarily \$30 million for him would be like borrowing a horse cart off of one of your neighbors. But they wanted 10% for the money off of him. Interest rates had gone up.

What we are talking about is that article that we have in the town warrant every year. It might be along towards the end of the town meeting. It says, "To see what action the town will take in regard to charging interest to delinquent tax accounts." And someone in the back of the hall jumps up and says, "I make a motion we don't charge them any interest." And then that is voted down, and somebody else finally comes up with 8% or 6% and like that. But we can't go over 8%.

Now the Town of Freeport, I understand, just recently they wanted to borrow \$500,000, and they had to pay 7.74% for their money.

The Town of Durham, we won't be able to pay our temporary loans this year, and that is against the law. When we get out to borrow money I don't know how much we will have to pay for it. Now a lot of you people say, "Well that's all right, someone don't pay their tax, write a tax lien against the property." Our biggest taxpayer, what we could write a lien against, and what we have written a lien against it, is half of a dam in the Androscoggin River. For the last three years they haven't paid their tax and it comes to \$27,000. And that is why we are so far behind.

Now you can't get anybody to bid on a half a dam stuck out in the Androscoggin River. It isn't good for anything to anybody. This particular textile mill is paying 8% all right, because it seems that in the textile industry when they sell a bill of goods they in turn take the invoice and they sell it to a factor, and they are paying more than the 8%. So they are happy to continue to pay us the 8%.

And what we want, what all these towns want, is their money, and not being in the financing business. And I agree with the gentleman from Bridgewater, this would be unworkable in these small

towns, because we don't know who is going to be on the next Board of Selectmen any more than you people know who is going to be sitting in this House a year from today. You haven't been elected yet. So our new Board of Selectmen is elected and they go out to borrow the money, and of course they want to borrow it as cheap as they can, and town meeting would be all over, and the law says it has to come up at an annual town meeting. And this amendment just isn't workable, and I hope you go along with the gentleman from Bridgewater, Mr. Finemore.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I am not arguing against Mr. Carrier of Westbrook because I don't want to see interest too high, but I want the members of the House to know that this is impossible to work this amendment because the towns—you can read it yourself—the towns who aren't borrowing money wouldn't have any rate of interest. Well it has been customary in all of them to charge 6% interest.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: This problem is not unique to Mr. Hunter from Durham. We have a taxpayer in the City of Waterville who we called in last year. He owed us \$21,000. He is one of our largest taxpayers in the community. We mentioned to him at the time we were charging 6% interest with 8% as of the beginning of the next calendar year, and we felt we had to have the money where tax anticipation money was due. The gentleman advised us that he was in no hurry to pay because he was making 9% on the money. And certainly where the banks give us an interest rate much lower than what the current market on the money is, I can foresee many problems both in the large and small communities. And I would support Mr. Finemore.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I realize that some of the things that have been said here are true. On the other hand I submit to you that again against the homeowner, if you don't pay your taxes the city has a recourse by lien and by selling the property to actually get their taxes back.

On the other hand if the city owes me money for services rendered or for rentals owed to me on the date that the taxes are due, and for some reason or other they don't pay it, they know they owe it, they agree that they do owe it but they don't pay it, and subject you to paying interest on tax because of their own doing, I think this is also unfair.

I believe that in many communities that most people that don't pay their taxes, or are overdue on their taxes as a matter of financial situation at that time that they have found themselves in. I think that most people budget their taxes or whichever way they do it. But you might have a city like Portland, and realize how many taxpayers there are there, and also realize when the publication comes out as to how many didn't pay their taxes that the number is very small.

As far as the rate of interest goes, as of January the 19th of this year, there is a letter that has been circulated to the different municipalities from the First National Bank of Boston, that they can borrow at the rate of 6.53 interest as of that date. There is also a notation in the letter stating that they must notice that for the last eight or nine days prior to that date that the rate of interest on borrowing had gone down, not up.

There are quite a lot of things involved in this in collecting due taxes. The one thing that hasn't been mentioned over here, if somebody is in arrears of his taxes—I am talking now about the working person, I am not talking about industrial plants, I am not talking about these people that have big money and all that. I am

talking about the fellow that is trying to save a few bucks every week, but for some reason or other, comes that particular time he has sickness and he has to use probably a few hundred dollars or so that he has saved in order to have medical care, and these are the people that when you put the attachment on and when the city puts the lien on this property, and the lien could be for \$100 on due taxes on a property which is worth maybe \$10,000 or it could be worth—well, at the rate of today, if you pay \$500 you are probably worth \$20,000. I think this is unfair. I don't think that anybody should be able to tie up a property for that small amount of money compared to the value of the property.

And besides that, they turn around and they charge you, if they want to, and they usually want to, they get their city lawyer or solicitor, or whatever you call them, and they will charge you for him to make out an attachment and to be filed for the filing, and then when you pay the taxes they will in turn again charge you for the discharge and probably also for a quit claim deed on the property, and all this stuff adds up that the one today can not afford, that is in arrears in the payment of his taxes, because he cannot afford at the rate of interest of 8 percent, how do you expect him to be able later on to pay a 10 and 12 percent?

I submit to you, whatever your position on this bill is, and this is not good, this is not a good bill to start with, I think the rate of interest of 8 percent is excessive in most communities, but they do charge us. They do not have to, and I understand that. But I can point to you many communities that last year were borrowing for the 1969 budget, they actually charged anywhere from 40, 50, 60 or 70 percent more than they borrowed for. I think that they make the money in getting your taxes, if they don't that is up to them to put the budget high enough and divide it equally and let you pay more.

I submit to you that this is not good legislation, and this is why I put the amendment in. And I

truly believe that this is in the best interest of the people of this state.

Whereupon, Mr. Carrier of Westbrook requested a roll call.

The SPEAKER: A roll call has been requested on the motion to indefinitely postpone House Amendment "A" to Committee Amendment "A". 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.

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 Bridgewater, Mr. Finemore, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Baker, Benson, Berman, Birt, Bragdon, Brennan, Brown, Buckley, Bunker, Burnham, Carey, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Cottrell, Croteau, Cummings, Curran, Curtis, Cushing, D'Alfonso, Dam, Danton, Dennett, Donaghy, Drigotas, Durgin, Erickson, Eustis, Evans, Farnham, Fecteau, Finemore, Fortier, A. J.; Foster, Gilbert, Goodwin, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Johnston, Jutras, Kelley, R. P.; Keyte, Lawry, Leibowitz, Levesque, Lewin, Lewis, Lincoln, Lund, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Moreshead, Mosher, Noyes, Page, Payson, Porter, Pratt, Richardson, G. A.; Ricker, Rideout, Ross, Sahagian, Scott, G. W.; Shaw, Sheltra, Snow, Stillings, Susi, Tanguay, Temple, Thompson, Trask, Tynedale, Vincent, Wheeler, White, Williams, Wood.

NAY— Barnes, Bedard, Bernier, Boudreau, Bourgoin, Carrier, Couture, Crommett, Crosby, Dudley, Dyar, Emery, Faucher, Fraser, Gauthier, Giroux, Jameson, Kelley, K. F.; Laberge, Lebel, LePage, MacPhail, Morgan, Nadeau, Norris, Ouellette, Rand, Rocheleau, Santoro, Soulas, Starbird.

ABSENT—Binnette, Cox, Fortier, M.; Good, Kelleher, Kilroy, Lee, Quimby, Richardson, H. L.; Scott, C. F.; Waxman, Wight.

Yes, 107; No, 31; Absent, 12.

The SPEAKER: One hundred and seven having voted in the affirmative and thirty-one in the negative, the motion to indefinitely postpone does prevail.

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

Mr. FINEMORE: Mr. Speaker, I now move that Committee Amendment "A" be adopted and the bill passed to be engrossed.

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

Mr. CARRIER: Mr. Speaker, I now move for indefinite postponement of 1664 and I would like to speak very briefly on it.

The SPEAKER: The Chair would advise the gentleman that the only thing before the House at this time is Committee Amendment "A". Does the gentleman move the indefinite postponement of Committee Amendment "A"?

Mr. CARRIER: I so move.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves the indefinite postponement of Committee Amendment "A", and the gentleman may proceed.

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: The presentation by the opponents of the amendment that I have put in has succeeded in killing it, and this is alright too. But on the other hand, they cannot deny that by charging a 10% rate of interest is too high.

I submit to you that if it is not justified in charging a certain amount of interest, or in allowing that municipalities, and to charging anywhere from 30 to 40 to 80% more in interest than they pay, I submit to you that this is

wrong. I submit to you that I would rather—I don't like it, but I would rather live with the 8% as the law is, and this is why I say that the 10% is excessive and I hope that you vote for the indefinite postponement of Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I rise only to clarify the motion now made. If we indefinitely postpone Committee Amendment "A", that would mean that we go back to the original bill which carries a 12 percent interest rate.

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

Mr. FORTIER: Mr. Speaker, there is one question which apparently has not been brought out in this issue, and this is in reference to the towns and municipalities which this would affect. We have heard about loans of a half a million dollars and from there running into several million dollars by our larger municipalities, and I am talking there about tax anticipation loans. This here would have no bearing because these municipalities can get a legal opinion on the legality of their procedures of the request of the loan. They can obtain loans, as somebody mentioned, loans of 4 or 4½ percent. I wish they would advise me where they can get if for that kind of money. But I have heard of one in Oxford County just very recently, a loan of \$800,000 that was floated at 6.3, and there was only one bidder, only one bank was interested even at such a rate.

So the larger municipalities are not involved. But the municipalities that would be involved are municipalities, for example, of the constituency of Mr. Hunter where there is a probability that they may not even be able to get at that 8%. It is this municipality which borrows comparatively small amounts that probably cannot afford to get legal opinions, cannot float bond issues with our larger banks in Boston and New York. Often they are doing business with

local banks, local banks who at the present time often do not have the money disposable to make such loans, or at least without sacrifice, are not interested an iota, those are the towns that you are going to jeopardize if you do not increase the present loan.

As far as the previous amendment, I think that it was not practical. It would have involved legal questions with all of our municipalities, the large ones as well as the small ones. But I think we should keep in mind here that it is not our large municipalities that are going to be affected, it is the small towns that are borrowing comparatively small amounts, and they will have to pay these rates.

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

Mr. FINEMORE: A question of the Speaker if I may? I believe the motion is to indefinitely postpone the whole bill and not the amendment.

The SPEAKER: Committee Amendment "A." That is the only thing before the House at this time.

The Chair will order a vote. All in favor of indefinite postponement of Committee Amendment "A" to House Paper 1335, L. D. 1664, Bill "An Act relating to Rate of Interest on Real Property Taxes" will vote yes; those opposed will vote no.

A vote of the House was taken.

20 having voted in the affirmative and 115 having voted in the negative, the motion did not prevail.

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

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

Bill "An Act Creating a Commission to Study Means of Increasing the Effectiveness and Capability of the Maine Legislature" (S. P. 604) (L. D. 1784) (In Senate, passed to be engrossed as amended by Senate Amendment "A" S-385)

Tabled — January 26, by Mr. Rideout of Manchester.

Pending — Motion of Mr. Hichens of Eliot to indefinitely postpone.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I feel that I must rise to support the motion made by the gentleman from Eliot, Mr. Hichens. I don't intend to launch into any high gear movement in opposition to this bill. But I would like to call the attention of this body to what apparently this seeks to accomplish or not accomplish. What interests me mainly is the fact that there is \$30,000 attached to this which I feel very strongly would be like throwing \$30,000 down the drain.

We may not have here in the State of Maine a perfect parliamentary body, but I can assure you ladies and gentlemen that we have one of the outstanding legislatures of this nation. This is admitted by all that are concerned. I, myself, have had the privilege of visiting a number of legislatures. The procedures in these nowhere near approach the procedures that can be found in this body of ours.

Now this bill is to study the legislature, a bill to study ourselves and see how we can become more efficient. Now think back, all of you, from time to time. You have seen measures brought into this legislature which were intended to increase the efficiency, measures that have been understudied by many committees at different times and measures that have been introduced by individual members. Those that were acceptable to the body have been accepted, but many of them have been found to be quite radical and have been turned down. I think this legislative body is very capable of handling its own affairs without the establishment of any commission at a considerable cost.

I think the taxpayer would look quite in askance at a legislative body that appropriated \$30,000 to study itself. I think they have every right to say, "What's the matter with these people? Can't they take care of their own affairs without another appropriation?" I think in view of the situation and

the way it stands, and over the years that the body has been very capable. I can well understand how a relatively new member would feel quite frustrated by some of the procedures.

I believe that we could liken the legislative body to the mill of the Gods — it grinds very very slow, but it grinds exceedingly fine. We have democracy here and we have democracy in action, and democracy is of its own necessity very slow. We agree to this. I do not think for one moment we cannot improve ourselves, but I think that we can do it by ourselves without any appropriation of \$30,000, and I most heartily support the motion to indefinitely postpone this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I heartily concur with the gentleman from Kittery, Mr. Dennett, in his remarks. I concur with the gentleman's motion, the representative from Eliot, Mr. Hichens. I would, however, in touching upon the fact that we have a proper agency to do this work — namely the Legislative Research Committee, I would for a moment discuss the remarks that were made by Mr. Hichens in which he has an exceeding portfolio or an amount of reports that he stated yesterday, that he has looked at and found nothing wanting in them or probably others have not even looked at as he stated.

It might be well to recall that in the last few years, for instance right this very last year, the coastal conveyance of petroleum, which has become a very important issue, has been studied by the Research Committee. A codification of the Constitution, back some twenty years ago. The possibility of streamlining county government has been studied by the committee at not too great a cost. The District Court of Maine was studied by and put into effect through the recommendations of the Legislative Research Committee. Data processing in Maine; effectiveness of pesticides upon fish and wild life; home improvement companies, which has chased all these high binders completely

out of the State of Maine. The classification plan for public employees; collective bargaining; the salary plan; and last but not least, the air pollution problem which was studied four years ago, which has now become such an important problem that it has even put the—at least temporarily, in the headlines has put the Vietnamese situation into the second spot so to speak.

I think that we are fully capable of studying our own problems; as a matter of fact we have, this present Research Committee has come up at the regular session with several orders changing our rules, which would streamline our system then. I can appreciate the interest of the sponsor of this measure from the other branch, but I think possibly this might be a perfect spot at a later date for the Research Committee to continue. They have the vehicle, this is what the Committee is for, to go into this area and study if there need be any further effectiveness as might be brought about.

I wholeheartedly concur with the motion for indefinite postponement.

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

A vote of the House was taken.

115 having voted in the affirmative and 12 having voted in the negative, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

An Act to Authorize the Issuance of Bonds in the Amount of Nineteen Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways (S. P. 626) (L. D. 1801)

Tabled — January 26, by Mr. Benson of Southwest Harbor.

Pending — Passage to be enacted.

The SPEAKER: Pursuant to Article IX, Section 14 of the Constitution, a two-thirds vote is re-

quired for the enactment of this Bill.

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

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

Whereupon, Mr. Dudley of Enfield 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 pending passage to be enacted until later in today's session will vote yes; those opposed will vote no.

A vote of the House was taken. 99 having voted in the affirmative and 27 having voted in the negative, the motion to table did prevail.

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

An Act relating to the Taxation of Farm Machinery (H. P. 1360) (L. D. 1689)

Tabled — January 26, by Mr. Gilbert of Turner.

Pending — Motion of Mr. Fortier of Rumford to Indefinitely Postpone.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I am convinced that the intent of the sponsors of this bill was primarily to exempt that type of farm machinery that was used for a comparatively short period of time, that is, a few days or a few weeks out of the year. The original bill as presented was rather vague and left an awful lot of doors opened. It could have implied a lot of things. It also would have benefited but a very small number of farmers and it could have meant a real handicap to a great number of our municipalities.

But this morning I see we have on our desks an amendment which will be presented, which I think corrects this situation. I am convinced that with this amendment it will exempt only that type of property which was intended to by the sponsors in the first place. And in view of this I will with-

draw my motion for indefinite postponement.

Thereupon, the motion for indefinite postponement was withdrawn.

On motion of Mr. Gilbert of Turner, under suspension of the rules, the House reconsidered its action of January 21 whereby the Bill was passed to be engrossed as amended by House Amendment "A".

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of January 21 whereby House Amendment "A" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed.

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

House Amendment "B" (H-662) was read by the Clerk.

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

Mr. BERMAN: Mr. Speaker, I would like to pose a question through the Chair. I just saw this amendment this morning and I would like to know if its legality has been checked.

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 Turner, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, I don't know what he means by check—interpret it, the intent, I know what his question is, it says: "All farm machinery used exclusively in production of hay and field crops to the aggregate actual market value not exceeding \$5,000." Now that is what he questions because—I mean I think it is, because if a town is assessing at 20% the question arose as to whether or not—your exemption 5,000, but if you are assessing it 20% before you can know what 20% is you have got to know what a 100% is. Now this exempts 5,000 aggregate actual market value and if a town is exempted 20% then a farmer would only have \$1,000 exemption.

Now we talked that over with the State Tax Assessor but we didn't go to the Attorney General.

Thereupon, House Amendment "B" was adopted.

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

Mr. SUSI: Mr. Speaker, I would just like to bring to the attention of the House what to me is I believe the most perceptive analysis of what the impact of this bill will eventually be to the farmers in Maine that I have heard to date. It came to me in a conversation with the gentleman from Frankfort, Mr. Mitchell, who is well acquainted with the agriculture business, being involved in it himself, and obviously has given considerable thought to this bill and what it means.

His analysis goes thus. That this is a reduction in the local tax base, however limited. It is a reduction, it is specifically an exemption applying to personal property, that undoubtedly this will be another precedent for the expansion of these exemptions and that there are many areas of hardship where personal property is assessed and taxed at the local level and the arguments in favor of expanding exemptions on personal property are most reasonable, and that this will probably lead to more exemptions, be used as an argument for more exemptions.

Now I think that this is his main point, that when you take personal property off that leaves more load on real estate and real estate is one thing that farmers just can't do without. They have got to have lots of real estate, and when you are opening the door for increased exemptions on personal property you are leading to an increased tax load on real estate, and farmers and real estate are the same thing; and that eventually this is going to be extremely detrimental to farmers through this chain reaction that we would be setting up through building exemptions for personal property. Thank you.

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

Mr. HASKELL: Mr. Speaker and Members of the House: This piece

of legislation obviously has a real impact in the area which I represent. However, I am going to vote against this bill for this reason, that we do have a real problem in this area but this legislation does not solve the problem and probably its passage would serve to delay what is very obviously needed in this area—which is more comprehensive legislation that would get at the root of the problem which in fact is the disparity of assessment procedures between the towns.

I think that I can illustrate my objection to this very quickly. I discussed this matter over the weekend with our town manager and tax assessor. They indicated that they are having real problems in the field of expensive harvesting machinery and they gave me as an illustration the potato harvester, the price of which new is \$14,000. Our town assessed this tax against this single piece of equipment as \$252. A neighboring town, the same piece of equipment, pays a tax of \$90.

Now obviously you have some very unhappy farm equipment owners when disparities of this sort exist and this legislation, while I am sure most farmers would welcome it, from my point of view it would be a mistake because it does not get at the root of the problem which is some uniformity of assessment in this field. And as farm machinery becomes more expensive, the desirability for some uniformity becomes more pressing.

We also have another factor which is increasing, particularly in Aroostook County, that is the growth of corporate farms where the tax revenue goes to the town where the ownership exists, and even though individual towns might be providing all the services the tax revenue from this rather expensive equipment would flow into a single town. For these reasons, basically because I feel there is a very real need for very comprehensive legislation in this field, I am going to vote against this as a poor and a partial solution.

The SPEAKER: The pending question before the House is passage to be engrossed. The Chair will order a vote. All those in fa-

vor of this Bill, House Paper 1360, L. D. 1689, An Act relating to the Taxation of Farm Machinery, being passed to be engrossed as amended by House Amendment "B" will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 79 having voted in the negative, the Bill failed of passage to be engrossed.

Sent to the Senate.

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

MAJORITY REPORT (8) -- Committee on Taxation reporting "Ought to pass" on Bill "An Act to Repeal the Bank Stock Tax and to Impose a Corporate Income or Franchise Tax on National Banks" (H. P. 1409) (L. D. 1775) — MINORITY REPORT (2) reporting "Ought not to pass".

Tabled — January 26, by Mr. Levesque of Madawaska.

Pending — Motion of Mr. Susi of Pittsfield to accept Majority Report.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In view of the amount of inquiries that have been made towards this particular document toward certain areas, and namely four to five areas that this might affect, it is not my intention to debate this bill this morning. I think it might be wise for us to let it go to both branches and see how it comes out so the people involved might have a chance to gather their information and in the end result will be able to come back better prepared and thus the final enactment could very well be done and save a considerable amount of time in discussion.

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

Mr. SOULAS: Mr. Speaker and Members of the House: I don't see why we should waste time. A bill is either good or it is bad. And I will be very brief.

I just want to remind you, if you vote for this bill, you are denying your community X-num-

ber of dollars. You have to go back home and explain it. You will also be asked to find other methods of raising money to replace that money you gave away.

As a representative of the people of Bangor, I will be voting to keep the money coming. You as a representative of your community are asked to make a like decision. Remember, the future of your community is in your hands.

I oppose this bill, and I hope you will vote against the motion.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I have already written three statements in opposition to this bill. Each time the bill has been tabled, as you know, and each time the situation seems to be a little bit different.

At first there appeared to be little concern on the part of the legislators with respect to this bill. I was bothered because I recall a sum of money which came to our town which while it was not large, it was helpful in preparing the town budget.

Now I feel that many of you haven't found yourselves concerned with what it will do to your town or city, and I think there is little I can say by way of further information. I think it is as simple as this: Do you feel at this time we should take this tax money away from our towns and cities or not? And I would point out to you that for several years, I think probably ever since I have been here, we have talked about relieving our towns and cities on account of real estate tax. This would not do it any more than taking the tax on TVs which we did last session, which did not help.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: This is a little, simple, one page bill, but it has many complexities. Sometimes you wish that in debate on the floor of the House we would have the privilege that the United States representative has in debating bills on the floor of

the House of Representatives, that we could come up here with our charts and use visual education as we do in our schools, because this is complex. The question is, shall the 21 National Banks pay a state income tax, along which the 21 trust companies are going to be subjected to because of the corporate income tax law?

Now what is the tax that the National Banks would be subjected to? There is no one here in the State House that has an answer to that. We are working on it. Yesterday we called up the Federal Reserve Bank of Boston, and we did get the amount of taxable income that National Banks were subjected to in 1968. It is a matter of equity in taxation. The bank stock taxes that are operated now on both the trust companies and the National Banks produces \$552,000 of revenue, and distributed amongst the communities where the owners of the bank stock live.

To illustrate the complexity of it, the City Manager of Portland and the tax assessors of Portland are taking no stand one way or the other. Portland now receives \$95,000 in bank stock tax, but with the removal of it they will receive \$50,000 in a tax on the tangible property of trust companies and banks, which are not legally taxable in this state now.

It is the feeling of some of the assessors in Portland that with the accumulation by banks of more sophisticated equipment like computers and auxiliary equipment that this bank stock tax would in two or three years be made up in every community. And then there is this question of, shall National Banks be exempted from your state income tax which trust companies will be subjected to?

I would hope that you might follow Representative Levesque's motion and let this go through here. I am not for or against it really. I am just trying to get the facts, and I don't see how any representative or any legislature can make up its mind well without having the facts. I think by tomorrow even, we will be able to come in here and state exactly just what an income tax on National Banks would

be. This has an emergency preamble on it because if National Banks are not subject to it, and the law stays as it is, and we know not what the figure is, the income tax on National Banks, we would lose three quarters of a year of an income tax on National Banks. So I say, let it ride through a little while here, and information is accumulating, and I think then you will be in a position to make a fair decision.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: With what information we seem to have available now, I feel that I would have to vote against this bill, in light of the loss of revenue to the various towns. I seriously wonder whether it is a matter that we should have ever considered in a special session of this type. I shall presently vote against this bill.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: You have on the floor of this House this morning some people that think that we should not take this up at the special session, other communities will be losing some financial help in the next year, others because some have told them that they might lose some state money.

Now I will read to you a message from the Bureau of Taxation as to what and for what reason this has come about in a special session. Actually, the commitment for this type of tax was looked into in the regular session. The reason why it wasn't presented to the Legislature in regular session, if you will remember correctly, the matter of taxes and its problems in the last regular session came in relatively late in the session, so that the Bureau of Taxation felt that it did not want to further complicate matters before the House, that this could very well be taken up in a special session.

"Until now, the federal law has permitted the state taxation of National Banks only in certain specified ways. The real estate of such banks could be taxed; and such

banks could be subjected to a tax on the shares of capital stock or to a net income tax. However, federal law did not permit a tax on both the shares of capital stock and on income. Maine, not having an income tax, elected to tax the shares of capital stocks. This is the Bank Stock Tax found in M.R.S.A., Title 36, Sections 4751 through 4754. This tax, presumably to avoid prejudicing state banks, applies both to National Banks and to trust companies.

At present, consequently, National Banks are not subjected to the state income tax; nor are either National Banks or trust companies subject to property taxation as personal property (as to National Banks, because of the federal statute; as to trust companies, because our courts have held that to tax the stock and the personal property would constitute double taxation.)

The Bank Stock Tax constitutes in effect the application of the property tax to an intangible — that is bank stock. This tax, while collected by the state, is wholly returned to cities and towns. It aggregates about \$500,000 per year. All other intangibles were eliminated from the property tax base several years ago; but the Bank Stock Tax was not then repealed, presumably because then National Banks would under federal law have been subject only to real estate taxation.

We understand the federal statute has now been amended (as of December 24). Under the amendment states are relieved of existing restrictions with regard to taxing National Banks, except that where a state has elected a method under prior federal law, the limitations in prior law will continue for two years. In short, if the Bank Stock Tax is retained in Maine, we cannot impose the State Income Tax against National Banks for at least two more years. Moreover, as long as the Bank Stock Tax is retained, municipalities cannot tax the personal property of either National Banks or trust companies."

Now ladies and gentlemen of the House, it was my hope that most of you that had looked into this document might have a chance to go to the Bureau of Taxation or to

any other agency that you required, to find out what this in effect is going to do. Now granted, as has been indicated, some communities are bound to lose some monies out of this bill. There is no question about it. There is never 496 or 495 communities that are going to stand to gain by any particular piece of legislation. If that would be the case we would not need to be here. So evidently some communities stand to lose, at least the initial few years.

Basically what this is going to do, it is going to give the option to the municipality to tax the property that the tax companies, or the banking companies now hold in the communities. This, in effect, will allow the state to apply the income tax to these banking interests, plus the fact that the municipalities will be able to set the property that is owned by the banks in their communities as property tax, which they can not do now.

There is also another indication that has been given, that the amount of property that a bank owns in the community now, and you as well as I have all heard that a lot of these small banks are planning to merge or consolidate into a larger system. If that is going to be the case, as the indications are right now that they are planning some merging of smaller outfits, they will, in effect, eliminate this from where the bank is now, and put it to where the stock company holdings are.

If you have got a small bank in, for example, Madawaska, if the Northern National Bank chooses to merge with another bank, then Madawaska will not be eligible to tax this property. It will go to where the stock is being held. So what we think we might be losing now might be offset by some further action on the part of the bank in the near future.

I think the communities now could tax this property, plus the fact that the state could apply the personal income tax and the corporate income tax to these banks, therefore allowing the state to return more of this money to the communities, although I might or I should point out at this point,

nobody is able to give us any estimate as to what this will return.

The Bureau of Taxation has been working on this for some time, but this varies so much from year to year that it is impossible for the Bureau of Taxation, because of lack of experience in this venture by the state, they are unable to give us any estimate whatsoever. The only thing that they can estimate is that the municipalities know the property that they have, they know what their tax base is now, and the property tax that will be applied here, you people in the communities know what that might be next year or the year after next. The Bureau of Taxation is unable to give us any better estimates than what you presently have in your community.

And as has been indicated, some of the communities for the first few years might stand to lose a few dollars. We hope that by applying this income tax on a state level that the state in turn will be able to return to some of these communities additional monies in the form of subsidies or other funds that the state provides for the operation of communities.

So I hope that you will certainly support the majority report of the Taxation Committee, and I am very open to any suggestions that some of you might be faced with problems. Thank you.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I will agree wholeheartedly with all the remarks made by the gentleman from Madawaska, Mr. Levesque. However he used so many "ifs", and "may" and "must" and all such and such.

This is not the question we are talking about today, whether the community will be able to go out and make a new type of tax structure to their own community. The question is dollars and cents. Right now we are receiving X-number of dollars. Why take a chance in not getting as much? We are getting this money right now.

I am the old believer that one in the hand is worth two in the

bush, and if we are getting it right now let's keep it that way.

The SPEAKER: The pending question is the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Repeal the Bank Stock Tax and to Impose a Corporate Income or Franchise Tax on National Banks," House Paper 1409, L. D. 1775. The Chair will order a vote. Those in favor vote yes; those opposed vote no.

A vote of the House was taken.

53 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

The following papers from the Senate appearing on Supplement No. 1 were taken up out of order.

Ought to Pass in New Draft

Report of the Committee on Taxation on Bill, "An Act relating to Property Tax Administration" (S. P. 591) (L. D. 1746) reporting same in a new draft (S. P. 644) (L. D. 1819) under same title and that it "Ought to pass"

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

In the House, Report was read.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I think just a word of explanation is in order on this. This is a redraft of 1746 which was the very large bill, An Act relating to Property Tax Administration. And that was a complete revision in the property tax laws. It became very complicated. At a special session the Taxation Committee didn't feel that we had either the time nor the ability to evaluate it properly, so this redraft just has to do with training of assessors.

Thereupon, the Report was accepted in concurrence, the Bill read twice and assigned for third reading tomorrow.

Tabled Later in the Day

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Deductions and Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 554) (L. D. 1629) reporting same in a new draft (S. P. 640) (L. D. 1811) under title of Bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence and the New Draft was read twice. Under suspension of the rules the New Draft was read the third time.

(On motion of Mr. Jalbert of Lewiston, tabled pending passage to be engrossed and later today assigned.)

By unanimous consent, the foregoing matters were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Starbird of Kingman Township,

Recessed until three o'clock in the afternoon.

After Recess 3:00 P. M.

The House was called to order by the Speaker.

Order Out of Order

On motion of Mr. Mitchell of Frankfort, it was

ORDERED, that Randall Baker of Frankfort be appointed to serve as Honorary Page for today.

The following papers from the Senate appearing on Supplement No. 2 were next taken up.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Providing for Immunity to Members

of Ski Patrols in Emergency Cases" (S. P. 583) (L. D. 1710)

Report was signed by the following members:

Messrs. VIOLETTE of Aroostook
 QUINN of Penobscot
 — of the Senate.

Messrs. BRENNAN of Portland
 BERMAN of Houlton
 MORESHEAD of Augusta
 HESELTON of Gardiner
 DANTON
 of Old Orchard Beach
 — of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. HOLMAN of Franklin
 — of the Senate.

Messrs. FOSTER
 of Mechanic Falls
 HEWES of Cape Elizabeth
 — of the House.

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

In the House: Reports were read.

On motion of Mr. Rideout of Manchester, the Minority "Ought to pass" Report was accepted in concurrence and the Bill was read twice.

Committee Amendment "A" (S-396) 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 and sent to the Senate.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act to Promote Governmental Reorganization and Efficiency" (S. P. 615) (L. D. 1792) reporting same in a new draft (S. P. 641) (L. D. 1812) under same title and that "Ought to pass"

Report was signed by the following members:

Messrs. BELIVEAU of Oxford
 LETOURNEAU of York
 — of the Senate.

Mr. DENNETT of Kittery
 Mrs. GOODWIN of Bath
 Messrs. MARSTALLER
 of Freeport

STARBIRD

of Kingman Township
 RIDEOUT of Manchester
 D'ALFONSO of Portland
 — of the House.

Minority Report of same Committee on same Bill reporting that it be referred to the 105th Legislature.

Report was signed by the following members:

Mr. WYMAN of Washington
 — of the Senate.

Mr. DONAGHY of Lubec
 — of the House.

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

In the House: Reports were read.

On motion of Mr. Dennett of Kittery, the Majority "Ought to pass" Report was accepted in concurrence and the New Draft read twice. Under suspension of the rules, the New Draft was read the third time, passed to be engrossed and sent to the Senate.

Non-Concurrent Matter

Bill "An Act Creating the Maine Forest Authority and Conforming the Powers of the Forest Commissioner and the Baxter State Park Authority to a Certain Inter Vivos Trust Created by the late Percival Proctor Baxter" (H. P. 1440) (L. D. 1815) which was passed to be engrossed in the House on January 26.

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

In the House:

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: My constituents do not understand this bill. L. D. 1815 is a redraft of 1791. We made minor changes in the redraft but first I would remind the members of this House that in the 101st Legislature I expressed my personal appreciation and also the appreciation of the citizens of Millinocket for the generous gift by former Governor Percival Baxter, when by an Act of the Legislature the acreage in Township 2, Range 9 in Piscata-

quis County was added to the Park, and at that time there were certain conditions and exceptions that were written into the laws and the statutes of the State of Maine by the request of the late Governor Baxter.

In reference to L. D. 1791, my constituents who are members of sportsmen's clubs, conservation groups, snowmobile clubs, and the labor unions are greatly concerned although appreciative of the gift in the Baxter Park, but the fact is they do not understand this bill. Their complaint is that the bill was advertised one day and the hearing took place the next. And of course they had no opportunity to make arrangements to appear before the committee, to oppose or either to hear an explanation.

To the members of the House, I did attend that hearing and the sponsor Representative Vincent stated that this was necessary to carry out the wishes of the late Governor B a x t e r. The second speaker was Mr. Fowler of the Department of Attorney General. Mr. Fowler drafted the bill, yet he questioned the legality of the bill. Mr. Wilkins, who we all know not only as the Commissioner of Forestry but also Chairman of the Baxter State Park Authority, and in his remarks he did say that the Baxter Park would have top priority. If you will read the bill there are provisions in there for buying land and reforestation, and the proceeds, any revenue derived shall be returned to the municipalities in which the tract of the land was purchased, and this revenue is for roads and education.

There is no question but what this is a wonderful thing and they have no objection to it, but there are people throughout the state that think that perhaps the Park is large enough. And they remarked on what Mr. Wilkins said, that the Baxter Park would have priority, then you would continue to increase the Park. Of course I think perhaps there will be an explanation of that and perhaps that is not so, but in Mr. Wilkins' remark he did say that Mr. Baxter had left \$5 million in trust with a Boston savings bank.

In hearing the testimony of Mr. Fowler, what was not clear in his mind was what was meant by the State of Maine. Now I think that is a very good question. Whether the State of Maine is these authorities or commissions established by the Legislature or the State Legislature itself? The Legislature abrogates powers and delegates authority to this Authority or any Authority so established under this bill.

I have made these remarks, ladies and gentlemen, because my constituents are concerned. I will not make any motion at this time. If an explanation and a clarification of this bill is satisfactory I will have no more to say.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I think, as everyone is quite aware, this bill was heard before the Committee on State Government. It is my understanding, the understanding of the committee that the late Governor Baxter had travelled widely, in Europe particularly where he saw in operation many of the so-called state forests. This was particularly true in Scandinavia and in Germany. And he became quite impressed with the methods of we might say tree farming, of harvesting and preserving the timber of those particular countries. And he became quite interested and anxious that we might here in the State of Maine follow the same lines as was followed in some of these European countries by promoting our forest land.

Now, again, it is my understanding that he left this certain trust, money which he wanted to be used for the purchase of forest tracts within the State of Maine. Now this would not necessarily be in Baxter State Park, but apparently it could be additions to the Park, and this is apparently the one thing that is bothering the gentleman from Millinocket, the fact that he feels that this Park might be expanded beyond what is contemplated at the present time.

But from the testimony brought forth I don't think that such is the case. These tracts can be purchased anywhere within the State of Maine. But the gentleman from Millinocket has told you that 25% of the proceeds in the harvests and so forth will be returned to the various communities in which the land lies is correct. I mean that Mr. Crommett has a very good working knowledge of the bill.

But as I see it, the purpose of this bill was particularly to set up this Authority which would handle the funds that are presently in trust and in a Boston bank, which I believe are a considerable sum. And the original bill set up the Forest Commissioner, the Commissioner of Inland Fisheries and Game, the Director of the Maine Park and Recreational Commission and the Attorney General, to which by the new draft the committee added a public member, thus creating a committee of five to administer the money under this trust, because it was the wishes of the late Governor Baxter that this land not only be used for timber harvest, but also for recreational purposes and, which of course includes hunting and fishing and so forth.

The committee in general found no objections whatsoever to this bill, inasmuch as it seemed the only proper way that this trust could be administered, and the money spent and the purposes carried out along with the desires of the late Governor Baxter, was creating the Maine Forest Authority, and this is practically the only explanation I can give of the bill. Thank you.

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

Mr. CROMMETT: Mr. Speaker and Ladies and Gentlemen of the House: I thank the gentleman from Kittery, Mr. Dennett, for his explanation. Still, it is not clear to me whether this money is going to be used wholly for undeveloped land as explained by the gentleman from Kittery, Mr. Dennett, or whether an addition to the Park. Basing my judgment on what Mr. Wilkins said, that the

Park could have priority in the spending of this money.

Recently this House passed a bill for the Baxter Park Authority to purchase land west of the Town of Patten in Penobscot County. The bill originally was for the Forestry Commissioner to purchase the land. Of course that was corrected. I can understand where Mr. Wilkins, being both the Commissioner of Forestry and the Chairman of the Baxter Park Authority, wouldn't object to whether it was one department or the other. And in his testimony on that bill, he stated that the land was to be used for radio facilities for the Baxter State Park. And that is the beginning, perhaps, of acquisition of land throughout the state known as Baxter Park.

Personally, I don't have any objection to that, buying this land, I think it is good; we appreciate it. But for the record, Mr. Speaker, and ladies and gentlemen of the House, I am going to move that this bill be indefinitely postponed, and I would ask for a roll call, please.

The SPEAKER: The Chair would advise the gentleman that this is a non-concurrent matter and the only motions available are, recede, concur, insist, adhere.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: Perhaps I can add something to help satisfy Mr. Crommett. I think at the hearing one of the questions that was asked was why we could not couple the Authority contained in the original document in this with the Authority of the Baxter State Park Authority. And Mr. Wilkins did say then that the main trust of the Baxter State Park Authority would then generally be the high priority on the Park itself.

The reason that the new Authority is to be created is to satisfy the terms of the will in trust of Governor Baxter, separate and distinct from the Baxter State Park Authority. It is not my understanding that the monies will be used only incidentally in and around the Baxter State Park. In his

will Governor Baxter indicated, as Mr. Dennett said, his intent was to buy waste land and to bring it back into useful productivity with the terms of the trust.

I would hope that the gentleman's motion, if it is in order, would not succeed, and if I am in order I move that we recede and concur, Mr. Speaker.

Thereupon, the House voted to recede and concur.

From the Senate: The following Communication:

THE SENATE OF MAINE
AUGUSTA

January 27, 1970

Honorable Bertha W. Johnson
Clerk of the House of
Representatives
104th Legislature
First Special Session
Dear Madam Clerk:

The Senate today voted to join in a Committee of Conference on Bill, "An Act Appropriating Funds to the Department of the Attorney General" (H. P. 1364) (L. D. 1713).

The President appointed the following members of the Senate to the Committee:

Senators:

SEWALL of Penobscot
BERRY of Cumberland
DUQUETTE of York
Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

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

On the part of the House, the Speaker appointed the following Conferees on the disagreeing action of the Legislature on Bill "An Act Appropriating Funds to the Department of the Attorney General," House Paper 1364, L. D. 1713:
Mrs. BROWN of York
Messrs. HEWES of Cape Elizabeth
JALBERT of Lewiston

The Chair laid before the House a matter tabled earlier and later today assigned:

MAJORITY REPORT (7)—Committee on Judiciary on Bill "An Act to Authorize Issuance of Warrants for Administrative Searches" (H. P. 1333) (L. D. 1662) reporting

"Ought to pass" as amended by Committee Amendment "A" submitted therewith and MINORITY REPORT (3) reporting "Ought not to pass" (Committee Amendment "A" H-661)

Tabled — January 27, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Berman of Houlton to accept Majority Report. (Roll Call Ordered)

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

Mr. EMERY: Mr. Speaker and Members of the House: I am opposed to the passage of this bill at this time because I do not believe that sufficient time has been available to consider all the ramifications of such an important bill and its effect upon the age old guarantees of privacy guaranteed us under the Fourth Amendment of the United States Constitution. The United States Constitution, under the Fourth Amendment and the Fourteenth Amendment has always held that a man's home is his castle, from the early days of English Law, upon which a great percentage of our law is based. This right has always been upheld.

The argument that housing laws and health inspections are necessary hardly seems a reason for the emergency passage of this bill. In fact, these regulations have been around for a number of years. Why then cannot this bill be held until the Legislature has had time to study it properly, and then, and only then, present a version that would not rubber stamp away our precious heritage of privacy in the home?

This bill, if enacted, would apply to every building in Maine. Furthermore, due to the early hearing on this bill, the very first day of the special session, very many people who wished to appear to testify did not have a chance to make arrangements to appear. I feel that this bill should be postponed until 1971, and if the reasons still exist for it, bring it before the 105th Legislature and give all concerned more time to consider it. We should remember that many lives have been sacrificed for our freedom and privacy of the home. Do not throw it away in a hurry. The State of Maine has survived

many decades without this type of search. I ask, why all of a sudden do we need such a law? This change in our laws would promote a change unwanted by what I believe is a majority of our people. This bill would give police power to many. Power is a heady thing. History shows that police acting on their own cannot be trusted.

The Fourth Amendment of the United States Constitution and our State Constitution protect the citizen against uncontrolled invasion of the privacy of our home. History has shown that officers tend to be officious. Health officers, making out a case for criminal prosecution of the citizen, are no exception. We live in an era where politically-controlled officials have grown powerful through an ever increasing series of minor infractions of civil liberties.

One invasion of privacy by an official of the government can be as oppressive as another. Health inspectors are important, but they are hardly more important than the search for narcotic peddlers, kidnappers and others. The fear that health inspections will suffer if constitutional safeguards are applied, is strongly held by some. The official's measure of his own need does not often square with the Bill of Rights. I therefore ask that this bill be referred to the 105th Legislature.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I signed the majority report of "ought to pass" and I would like to explain what this bill really needs. At the present time we are considering in the Judiciary Committee a rental escrow bill which would apply to landlords who have rentals that are uninhabitable.

In many municipalities we have a sanitation code and a building code, and there is no compliance. And in order for the enforcement agencies to go in and take a look, they must have some kind of authority.

As those of you who have served with me over the past three terms know, I am not inclined to go along

with giving authority to people to search premises without some kind of protection. This bill provides that protection. In order for an agent of this enforcement agency to go in and search the building, it would be necessary for him to appear before the superior court justice or the district court judge and show ample proof that there is cause for him to inspect the premises. And I think that in order for any of our enforcement agencies to do a good job, to maintain the intent of that agency, it necessarily has to have the authority to go in and inspect. Thank you.

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

Mr. HEWES: Mr. Speaker and Members of the House: I support the position of the gentleman from Auburn, Mr. Emery, that this bill ought not to pass. At the testimony on the bill there was testimony from the representative of the Maine Municipal Association, that only one community in Maine, Auburn, has had any trouble with this. It seems to me that there is no need for this bill at this time. I thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I too signed the majority "ought to pass" report, and I did not think that this particular bill was going to run into such opposition on the floor of the House. However, actually all that the bill does is to provide an orderly method for administrative searches.

Now the basic question, I think, before the House this afternoon is whether we are going to have an orderly method for obtaining search warrants by applying to either the district court or to the superior court, or whether we are going to be operating in a rather nebulous field.

Now I suggest to the House this afternoon that these search warrants are going to issue, and I would hope that the House would go along with the majority report of the committee which provides for a very orderly way for them to issue.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I would remind the House that up until this very minute there has been no procedure in the State of Maine to obtain a search warrant except under civil rules of procedure, and the only reason for obtaining a warrant has been of criminal intent. This will change that rule. Thank you.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Houlton, Mr. Berman, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Authorize Issuance of Warrants for Administrative Searches," House Paper 1333, L. D. 1662. If you are in favor you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Baker, Barnes, Bedard, Berman, Bernier, Birt, Bourgoin, Bragdon, Brown, Chick, Cottrell, Crommett, Crosby, Croteau, Cummings, Curran, D'Alfonso, Danton, Eustis, Evans, Farnham, Fecteau, Foster, Henley, Heselton, Jameson, Kelley, R. P.; Laberge, Lawry, Levesque, Lewis, Lund, McTeague, Meisner, Millett, Mitchell, Morgan, Page, Payson, Pratt, Richardson, H. L.; Rideout, Ross, Scott, C. F.; Sheltra, Snow, Soulas, Stillings, Susi, Thompson, White.

NAY — Allen, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Clark, C. H.; Clark, H. G.; Corson, Cote, Couture, Curtis, Cushing, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Erickson, Faucher, Finemore, Fortier, A. J.; Fraser, Gauthier, Gilbert, Giroux, Goodwin, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Hewes, Hichens, Huber, Immonen, Jalbert, Johnston, Jutras, Kelleher, Kelley, K. F.; Keyte, Lebel, LePage, Lewin, Lincoln, MacPhail, Marquis, Marstaller, Martin, McNally, Mills, Moreshead, Mosher, Nadeau, Norris, Ouellette, Porter, Quimby, Rand, Ricker, Rocheleau, Scott, G. W.; Shaw, Starbird, Tanguay, Temple, Trask,

Tyndale, Vincent, Wheeler, Wight, Williams, Wood.

ABSENT — Benson, Binnette, Boudreau, Brennan, Chandler, Coffey, Cox, Fortier, M.; Good, Hunter, Kilroy, Lee, Leibowitz, McKinnon, Noyes, Richardson, G. A.; Sahagian, Santoro, Waxman.

Yes, 51; No, 80; Absent, 19.

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

Thereupon, on motion of Mr. Jalbert of Lewiston, the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

The Chair laid before the House a matter tabled earlier and later today assigned.

Bill "An Act Establishing a Human Rights Commission" (H. P. 1439) (L. D. 1814)

Tabled — January 27, by Mrs. Coffey of Topsham.

Pending — Motion of Mr. Kelley of Machias to Indefinitely Postpone.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: The last day of the regular session of the Legislature we had three very complicated bills before us having to do with human rights. I stated at the time that we had neither the time nor the ability to digest those fully, and at that time I was the chief opponent.

I started my presentation with a very unwise choice of words. I said that the situation in Maine did not warrant the unfounded concern that the do-gooders throughout the state would lead us to believe.

Now before us we have one specific bill. It may not accomplish very much. However, in every section of the country we have a certain amount of prejudice towards all minorities, and the provisions in this bill having to do with fair employment, fair housing, public accommodations, civil actions of aggrieved persons are not at all distasteful to me at this time. They may not accom-

plish very much, but I believe that they will evidence our good will and good intentions. And I now am in favor of this particular Human Rights Bill.

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

Mr. MORESHEAD: Mr. Speaker and Ladies and Gentlemen of the House: I rise this afternoon in opposition to this Human Rights Bill. I feel that even though this bill may protect the human rights of a minority of those who may be being discriminated against in this state, this bill constitutes a very severe and real threat to the constitutional rights of every citizen of the State of Maine, and I am including in that all property owners and all businessmen here in the State of Maine.

Because with the acceptance and the adoption of this legislation we would place these people in a position which would seriously violate their constitutional rights. And I am not going to just make these general statements and leave it at that. I feel that if I am going to state that this bill violates the constitutional rights I should point out to you just what rights are being violated, and what procedures will be followed if this bill is passed.

Number one, if there is a complaint filed with this Human Rights Commission, the commission would first send out subpoenas to the party who is being complained against and anyone who is connected with him, for his testimony and for his records. This commission would then take these records and this testimony, go over it, and decide whether or not a complaint should be filed in the District Court or Superior Court. They can use what they find from this person, and from his records as evidence in a trial against him for discrimination.

If a complaint is filed in the court, the commission can get an injunction against this person from carrying on his business, such as if he was in the real estate business, or in the rental business, they could get an injunction against him from continuing the operation of his business. And I submit to you that this would be a very ser-

ious matter, because if someone was enjoined from the operation of his business until the case could be heard, in many of our counties this could mean five or six months delay.

And also, under most circumstances, if somebody is enjoined, the person who is seeking the injunction is forced to put up a bond, so that if later they are proven wrong, the person that has been enjoined will have to pay through the bond for the damages. But in this bill there is no such provision. And if you get an injunction and later you are proven wrong, you don't have to pay the person who was forced not to exercise his business. You don't have to pay him for the damages.

I also submit to you that if a person was found to be in violation of certain people's civil rights—and I submit to you that violations could include refusing to promote someone or give someone a job because of his age—and I am sure you all realize that many people in old age cannot do the jobs that younger people could do, and therefore may not be promoted in the business because of their age—this under this bill would be a violation of that person's civil rights.

I also submit to you that if somebody was seeking a loan, and you as an individual did not want to loan him money, they could go after you and say that the reason you refused to loan him this money was because of his religious background or his ethnic background and such. And I feel very strongly that if you as an individual want to loan somebody money you shouldn't have to later account in a civil action as to why you refuse to loan him money. But this is in this bill, and it is not restricted to banking institutions or to loan agencies. It is any person.

It also is in this bill that if you are found guilty of violating someone's civil rights, what the penalties will be. And on Page 13 of this document I submit to you that these penalties are very real and very severe. And they are penalties that do not usually exist in most civil actions. A matter such as they could order the person who was allegedly violating someone's

civil rights to pay to the person whose rights were violated any loss he might have incurred if he had gone and bought another house at more of an expense, the violator would be forced to pay the difference. It would also force this person from selling any houses, renting any houses that he may own during the period of a complaint, and until the person who has violated was taken care of.

And I submit to you that any real estate broker in the State of Maine who might get involved in a complaint under this action would be forced to stop doing business under the provisions of this bill.

I also submit that this bill carries very severe penal penalties, and in fact does carry criminal penalties in the way of fines. Because if you were found guilty you would be forced to pay certain penal penalties in addition to your actual damages. And in regard to your actual damages you would be forced to pay three times, the wrong-doer would be forced to pay three times the actual damages, which is not the usual case in most civil actions.

I also submit that attorneys' fees and costs of court would be forced upon this wrong-doer, if he were found guilty. What about the situation where the person was found not to be guilty of any violation? Who is going to pay his costs of court and his attorneys' fees? This bill is geared one way, and one way only. And that is to protect the interest of this small minority that may be being prejudiced or being discriminated against. And I submit that we as legislators have a much greater responsibility to the majority of the citizens of this state, who will be very severely penalized by this bill if it is allowed to pass.

And I also draw your attention, ladies and gentlemen of the House, to the costs of this bill. This bill carries a price tag of \$41,200. In the last session an identical bill carried a price tag of \$164,000. I think the proponents of this bill are fooling us if they want us to believe that they can cut \$120,000 off this bill. I submit that the real costs of this will be somewhere over \$100,000.

And I further submit to you that we have adequate legislation right now in the area of discrimination, that if somebody is being discriminated against in the State of Maine today there are remedies available without having to create a new commission.

There is also a Federal commission and a Federal Civil Rights Act that is working very well. And why should we have a state commission which is going to cost us somewhere in the area of \$100,000, when there is a Federal Commission available today and doing the job. And also adequate state laws today doing the job.

So I very strongly oppose this legislation and urge you to support the motion of Mr. Kelley that this bill be indefinitely postponed.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Perhaps even at this time in the afternoon the House might be at times amused and perhaps even educated or uplifted by a debate between two Irishmen. Mr. Kelley gave quite a speech this morning. I am afraid that the discussion of legal points between two lawyers, Mr. Moreshead and myself, and perhaps some of the other members of the bar in the House, would not be of quite as much interest.

So I shall not try to answer individually each of the statements made by Mr. Moreshead regarding the effect of the bill, except to say that I think that most of them are based on a gross misconception of the bill. I will answer some of the more important accusations.

I ask you to keep in mind as you consider this bill the fact that the State Government Committee, which in my experience is one of the more responsible and broadly representative committees in this Legislature, has given unanimous support to this bill. This committee is far from an easy one to put anything over on, even if that were your intention. And I think that we know that in the field of human rights, based on our experience at the last session, that this committee is quite incisive in its questions and demanding of fair

answers. We did have a 10-0 report out of the committee.

But in regard to some of the particular accusations, or statements rather, made by Mr. Moreshead, I think he has got the whole emphasis wrong, and I think this leads him to the wrong conclusion, in my opinion, on most everything he said.

For example, he says that the first thing they do is go out and subpoena you. Not true. The first thing that would be done under this bill if a complaint came to the commission of an act of alleged discrimination would be to hear the story; hear the side from the man that claims he was discriminated against, then hear the side, if the man wishes to give it, from the man charged with discrimination. Informal conferences, telephone calls, privacy.

We recognize that there can be and have been unfounded charges of discrimination. Not every time when a member of a minority group is refused a job or a house is it because he is a member of that group. Sometimes it is because he is not a desirable person, sometimes he doesn't pay his bills, sometimes he doesn't work too hard. There are saints and sinners in both majority and minority, as I think we all know.

It is clearly provided in the bill that these informal conciliation periods should be private and privileged and cannot be used against either party under any circumstances. And the reason for that is this. It has been found in many other states, for example the State of Rhode Island, that this type of commission, instead of creating notoriety and legal battles, tends in most cases to evaluate complaints and get rid of those that don't have a basis; and in the case of complaints that do have a basis to give some help to the person who is discriminated against without being punitive in regard to the person who committed the act of discrimination.

It is true that the commission would have the ability to use its subpoena powers if it felt it was under a compulsion to do so. This is a common, standard practice with our various organs of govern-

ment. I haven't heard anyone suggest that the 16 county attorneys who have this subpoena power have created some type of star chamber in this state. And I find it very difficult to believe that a five-member commission, of necessity bipartisan, not more than three members of the same political party, appointed by our governor with the advice and consent of the Executive Council would act in such a way.

I think we should get down to the more fundamental question, and it is this. There have been objections raised against this bill that was originally introduced. There were objections that I had to the report of the Task Force Committee to study this area. No one is perfect. Legislation is refined during the process of debate and committee hearings. But every significant objection raised against the bill at the other session has been met with an amendment which I presume from the report of the committee met with the approval, the unanimous approval of the State Government Committee.

Because he is a neighbor of mine, just across the county line, I am very happy to see Mr. Ross, who was the sponsor of some of our original anti-discrimination legislation to accept this bill, although he doesn't think it is going to create heaven on earth. And it won't, of course. Nothing we do here ever will. But this is true.

Gentlemen, if you have particular objections, and many of us have them, and they were raised, and many of them were fair and legitimate objections, they have been met. I think that is the reason why the State Government Committee changed from a mish-mash of three separate committee reports with a 4-3-3 vote to a 10-0 unanimous vote.

But if, on the other hand, gentlemen, your objection is not — and ladies too, might I add, I don't want to discriminate in that way, but if your objection is not the particular portions of the bill, this and that, because this bill has been worked over with a fine tooth

comb. If your objection, ladies and gentlemen, is that you don't want something done about the problem of discrimination we have in Maine, then you shouldn't vote for the bill. There is no need to provide reasons why it has this defect and that.

Now, as we all know, Maine, although it is not heaven on earth, is much better off than many of our sister states in the area of discrimination. And if we are honest on that too, there are probably a couple of reasons for it. Number one, we are a long way from the Mason-Dixon Line. We don't have a large non-white population. And number two and I hope this plays a part too, Maine as a state has a proud tradition going back to Harriet Beecher Stowe and before that, of being an island of freedom, a place where each man could be considered on his own merits.

This bill is a moderate bill, a reasonable bill, a compromise bill. Don't let any scare tactics change your opinion on it. We do have some need in the area. This bill will provide some help. This bill will provide, we hope, not the jailing of people who commit acts of discrimination, like could happen now, but we hope—and based on the experience of other states, we feel that it will provide that most of these misunderstandings can be taken care of informally. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: It is late in the day, and I will be brief. We have heard this bill described as an affront to the dignity of the people of this state. We have heard the cause of those who proposed the bill described as a kookie cause. We have been referred to as a bunch of sob-sisters, and we have been told that there is no problem.

Now I submit to you that no amount of nimble rhetoric can conceal the fact that we here in Maine are just as human and just as inhuman toward our fellow men as people in any other place in the world. And I would like to think

it is not so, but I think to make such an assumption is dangerously fallacious.

Now my friend from Augusta, Mr. Moreshead, has mentioned several things, including the injunction procedure which, of course, is under court control. He suggests that there is something sinister in the fact that there is no requirement for the posting of a bond in an injunction sought by the state agency. Of course, that is standard procedure in our court system. The state is very, very seldom required to post a bond in support of an injunction.

And he is concerned with attorneys' fees, and as a fellow attorney with Mr. Moreshead I, of course, am always concerned about that. But the thing that he said that absolutely astonishes me is that we are going to judge his bill on some sort of quantitative morality. We are going to say because it suits the economic interests of the majority, if this is what he is saying, to discriminate against the minority, it is our responsibility as the elected representatives of the people of this state to vote with the majority. I am astonished and deeply disappointed that any member of this House would make any such argument to the members of the House.

This bill received a unanimous committee report. It has, as Mr. McTeague has pointed out, been amended. Many of the objectionable features that I simply could not accept, and many other objectionable features have been deleted from the bill. This bill, plainly and simply stated, will provide a forum for those who claim to have been the victims of unlawful discrimination to have their opportunity, to have their point of view heard. And if the commission finds that their complaint is justified, that they have been unlawfully discriminated against, this bill provides a remedy.

A right without a remedy is useless. And this bill provides that remedy. Thank you.

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

Mr. MORESHEAD: Mr. Speaker and Ladies and Gentlemen of the House: I will just take a second with a little more nimble rhetoric here and try to explain my position a little better, and perhaps clarify it for those of you who I have offended. I would like to point out, Mr. Speaker and ladies and gentlemen, that the commission is not the only person who can bring this type of an action. The person who is the aggrieved party can file a complaint with the commission and then immediately go to Superior Court and he can pick up any rights under this bill that the commission had in the way of injunctive power and in the way of any remedies which may be available to him. So we are not just talking about a commission bringing an action.

I would like to point out to you that it was not my point, or the point of my earlier message, to say that if the majority wants something then the minority be hanged. I submitted to you that we have adequate laws on the books today, we have laws which take care of discrimination, state laws and federal laws. We have a Federal Civil Rights Commission in existence today. Let's not spend \$100,000-plus of our taxpayers' money on duplication. The laws are there. It is just a case of enforcing the present laws. Let's not keep putting laws on the books to take care of problems which would be taken care of if the present laws were enforced properly.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It might be, to counsel the gentleman from Augusta, Mr. Moreshead, that when a bill has a price tag of \$41,000 on it, that is exactly what it means. And in our haste probably to win our point we might just toy with figures. I think if there was a commission set up, and I think there will be, I think if the amount of money as stated that they should spend is \$41,000, unless they come back to the Legislature, or unless they toy

with figures, they are going to be hard put if they go to the figure that he suggests, \$100,000. Others have attempted it, and they no longer are around the scenes.

Now I feel that this is a very, very fine piece of legislation. It is something that is putting us on the books. It has the unanimous report, and I think we should pass it and go on about our business.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Most of the discussion has revolved around the philosophy that we don't need it, that it is unnecessary, and that it is going to expend a given amount of money. And also those that feel that we should not bypass any court action on any part, because they feel that this is infringing on some of the rights of the human beings.

I think in this document we have a chance to initiate a protection of the rights of all the people of the State of Maine, regardless of what color, creed, or religion that they believe, or even political party. If we, as a member of the Legislature, would even go so far as to imply — and I seem to have got this little bit of an implication here — that this may be a witch-hunt at the cost of \$41,000, and that those people are going to go to court, or going to ask the commission on their behalf that there may be a division of party philosophy within the courts or the Human Rights Commission. If I may be allowed to use the words again, the Human Rights Commission is not going to be a witch-hunt that is going to be drawn up on the basis of political philosophy.

I think this stands out very clear, that this amount of money that is going to be to establish the commission by far is not a perfect document. And you will not, for as many years as you choose to stay here, find that every document that is going to be before the House of Representatives is going to be a perfect document. So this is a start for us to at least admit in our own selves that in some areas there may be prob-

lems. It might not be right next door to you. It may not be right across the street. But I think if you cross a few streets every now and then you will find that some of the problems are presently in your community.

This is only the first step in trying to alleviate and make the problems a little more acceptable if they are in your community. So I hope that the members of the House will certainly regard the report of the committee which is unanimous as somewhat of a guideline in their voting this afternoon in accepting the unanimous committee report.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: Briefly, in speaking for the State Government Committee, we felt that government is to serve the needs of the people, and we were convinced that there is a need in this area. This is not a shabby piece of legislation, nor hasty, nor ill conceived.

As Mr. Ross pointed out, this is a bill that has been around for a long time, and I think maybe this is where the misconception of \$100,000 comes from, from Mr. Moreshead's point of view. At one point one of the bills did have a high price tag on it. But if he would check the committee redraft he will note that many of the features of that bill have been eliminated, thereby dropping the price tag on it.

It is all well and good to use ridicule and drag red herrings to prejudice your thoughts on this. However, the committee feels this is a fair and sincere effort to find an equitable method of handling a tough 20th century problem. I ask you to be fair with yourself, and fair with all the people of this state, and I urge you to vote against the indefinite postponement of this reasonable bill, and I ask for a roll call.

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

Mr. BERNIER: Mr. Speaker, before we vote on this bill I would like to pose a question through the Chair to anyone in the House who

cares to answer. Does this involve a two-family house in which the owner, for instance, would be living in?

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

Mr. McTEAGUE: Mr. Speaker, the answer is very simple. This bill does not in any way involve or affect a two-family, owner-occupied house.

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

Mr. SOULAS: Mr. Speaker and Members of the House: I rise in favor of the bill. I am not an attorney. However, I am considered a modest owner of real estate and apartment houses in my area. Too many years have gone by since the landing of the Mayflower. But there are still those who are still around and have been asleep all these years. It is about time they wake up and make good some of those many, many promises, or what have you, that all men are created equal.

You all know that the economy of our South was built upon the result of the wicked African slave trade, and this immorality resulted in our Civil War and has affected the results of most of our national and state elections ever since. For about 90 years the suspected Negro criminal was lynched by the white man without a trial. I am afraid that if I were born black it would be very hard for me to forgive the white race.

Our own revolution was a strike against colonial tyranny. And I feel we are practicing that same kind of tyranny if we do not vote for a Human Rights Bill.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: In the last session of the Legislature I opposed a proposal on the condition from the landlord viewpoint, from the viewpoint of housing. And I still oppose this on that principle, and also on the principle of the remedies and the fines in this bill.

In the first place, it upsets me very much to see this legislation, this piece of legislation or other

pieces of legislation that we have had, and other legislation which is coming up, which we were supposed to be called here to handle emergency measures. This legislation does not carry such a label.

On the other hand, I wish to — they told me or it has been said on the floor here, that all of the opposition, or most of it, has been taken care of by amendments. One of my chief complaints or disagreement on this bill in the last Legislature was the fact that it did not force the plaintiff to bring the action in his own name, that anybody on his behalf could bring an action for him. I was told that this was so on this bill too.

Well I refer you to page 11 and page 14 which actually allows the commission or any one of its employees to bring an action against the so-called violator. And one other incident it also calls that anyone can bring an action against a violator. Well, I think — talking about constitutional rights, I think that I have the right to face my accuser, and not face a group, and not face his representative, or anybody that you want to send up in order that he might be a better speaker, or stuff like that. I think this is an objection I had in the last session, and this is an objection I have, and it has not been corrected, as it has been stated this afternoon that it has.

Now the cost of this program, well, we have to face the facts, as we have been reminded that you have to face the fact of what is in the book. Well true, it is \$41,000, but you will also see that on the powers of the commission that they have the right to hire any number of employees to work for them. So this in itself takes away, and will actually bring up the cost quite a lot.

I thought at first, and I don't think any of us questioned the result of the committee report in the State Government, I do think here—and again not being a lawyer—I do think that there are quite a few legal complications to this bill. And I would have liked to have seen it referred to the Judiciary Committee.

However such as it is, on the penalties it provides, and it has

been mentioned before here, and one of the penalties that can be used is the fact—and I have asked different ones about it that was on the committee and they did not give me the answer, they did not. I wasn't looking for a specific answer, but I was looking for the true answer. And it says here on Page 13 under remedies that if the court finds that unlawful discrimination has occurred that they can do this and that and all this stuff, so you get to No. 7, and it says in order to pay the legal and other expenses of the complainant or of the commission, or both. And in cases of unlawful private discrimination, the victim shall pay three times the amount, and all this stuff.

Now this, it says very clearly that if the court finds that unlawful discrimination has occurred, so you are brought to court, and the court finds that there is no unlawful discrimination that has occurred, so you or I as a defendant, where do I stand? There is no provision in here to balance that I have to pay for the complainants lawyers and the court and all that stuff. But there is no provision in here that says that if unlawful discrimination has not occurred then that the complainant and the commission or whoever it is; but the complainant, he's the one that wants to raise something about this, that he in turn will pay for my lawyers and pay for costs of courts.

I think this is a one-sided affair, and I truly don't like it. You can go all over this place, there is also certain parts in here about the injunction which was mentioned. But it also states, ladies and gentlemen, and it also protects the courts and the others and all those involved, that no damages shall be assessed for the wrongful issuance of an injunction. Now what must be right must be right. I think that if the court or whoever issues the injunction does anybody wrong that it should actually—somebody should be made to pay for this. Now you can always say, maybe somebody would say, well you know if you have been hurt and it has cost you a lot of money you can turn around and sue the

so-called aggrieved party on a malicious prosecution.

Well you just try to do that, you see, because if you do in the first place most of them haven't got much, and if they have you can't get to it. And if you do just how much will you get out of it. But this will not solve the problem, because you have already lost your name. It says here that the publicity will not get to the papers. This I don't believe. But you have lost your name, you have lost your—it might have been innocently, even if you are not guilty of such an action, you will have been a disgrace to your family, to the family name, the kids, and everybody else.

I submit to you that this legislation I oppose solely on the remedies, and on the part of the landlords, because I am a landlord, and I know what this can cause. And I submit to you—and I will make a very frank confession today—that I am, according to this bill, a member of the minority party. You can discriminate against me because of my nationality or because of my religion, and if you want to do so I believe it is your right. Because if you don't want me, I don't want to be there. I don't intend at any time to impose myself on anybody who doesn't want me, or make the law take me. And I submit to you that I will vote for the indefinite postponement of this bill.

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

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 Machias, Mr. Kelley, that this Bill, "An Act Establishing a Human Rights Commission," (H. P. 1439) (L. D. 1814) be indefinitely postponed. If you are in favor of indefinite postponement

you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Baker, Barnes, Bragdon, Buckley, Bunker, Carrier, Chick, Clark, C. H.; Clark, H. G.; Cote, Couture, Crosby, Curtis, Cushing, Donaghy, Dudley, Durgin, Dyar, Emery, Erickson, Evans, Finemore, Foster, Gauthier, Gilbert, Giroux, Hall, Hanson, Hardy, Hariman, Henley, Immonen, Kelley, K. F.; Kelley, R. P.; Lebel, Lincoln, MacPhail, Marquis, McNally, Meisner, Mills, Moreshead, Mosher, Nadeau, Ouellette, Page, Porter, Pratt, Quimby, Richardson, G. A.; Ricker, Rocheleau, Scott, C. F.; Scott, G. W.; Shaw, Snow, Thompson, Trask, Wight, Williams, Wood.

NAY — Allen, Bedard, Berman, Birt, Bourgoin, Brennan, Brown, Burnham, Carter, Casey, Coffey, Corson, Cottrell, Crommett, Croteau, Cummings, Curran, D'Alfonso, Dam, Danton, Dennett, Drigo-tas, Eustis, Farnham, Faucher, Fecteau, Fortier, A. J.; Fortier M.; Fraser, Goodwin, Haskell, Hawkens, Heselton, Hewes, Hichens, Huber, Jalbert, J a m e s o n, Johnston, Jutras, Kelleher, Keyte, Laberge, Lawry, Levesque, Lewin, Lewis, Lund, Marsteller Martin, McTeague, Millett, Mitchell Morgan, Norris, Payson, R a n d, Richardson, H. L.; Rideout, Ross, Sheltra, Soulas, Starbird, Stillings, Susi, Tanguay, Temple, Tyndale, Vincent, Wheeler White.

ABSENT — Benson, Bernier, Binnette, Boudreau, Chandler, Cox, Good, Hunter, Kilroy, Lee, Leibowitz, LePage, McKinnon, Noyes, Sahagian, Santoro, Waxman.

Yes, 61; No, 72; Absent, 17.

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

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

The Chair laid before the House a matter tabled earlier and later today assigned:

An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants (S. P. 576) (L. D. 1703)

Tabled — January 27, by Mr. Marsteller of Freeport.

Pending — Passage to be enacted.

(On motion of Mr. Marsteller of Freeport tabled pending passage to be enacted and specially assigned for tomorrow.)

The Chair laid before the House a matter tabled earlier and later today assigned:

An Act to Authorize the Issuance of Bonds in the Amount of Nineteen Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways (S. P. 626) (L. D. 1801)

Tabled — January 27, by Mr. Benson of Southwest Harbor.

Pending — Passage to be enacted.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: This is the fourth week of our special session, and I haven't imposed my questionable rhetoric upon this House so far. I would like to make a few remarks relative to the highway bond issue.

I think it has been one of the most difficult decisions that I have had to make. As you perhaps are aware I have consistently opposed bonding in all of its areas. Nevertheless a good many things, if we get them, we have to borrow the money to get them. I don't know until I have pushed this button now which way I am going to vote.

I had, among my constituency I have been advised almost overwhelmingly by the person on the street to put thumbs down on this bond issue. The people said, "We voted it down in November, we shall do it again." My area voted about a majority of one third against this bond issue last November, the one for \$21½ million. Now it is only 2 million less.

There doesn't seem to be much alternative. They would also—our constituency would resist more on the gasoline tax. It seems like every time we allow another cent on the gasoline tax, by the time it gets to us consumers we are

paying two or three cents. So that is rather a problem.

This bond issue, if it passes today, will be set up and go out to the people again in the spring, in time for the construction this coming summer. I feel that probably this House will vote this bond issue this afternoon. I don't think that I shall ever vote a big bond issue again for the Highway Department if I am down here again.

I feel that the time has come for this Legislature, and for all governments, to look ahead a little bit, at many areas of progress so-called. I think that highway construction is one of them. I think that highway construction should be considered along with other planning for our future in this, our state, our recreation State of Maine; a state which I hope will stay a vacation land and not become an industrial complex.

I feel that some group or body in the near future is going to have to take in hand the problem of visualizing the area of highways, transportation in general — rail and air — and consider those things projected into the future, along with other polluting influences of human progress.

Highways are polluting the landscape, and they are polluting the air with the increased number of monsters that go up the highway with diesel stacks spewing forth four inch stacks of soot into the air which in a lot of areas of the country are making the cities almost unlivable. They are causing actual illness in a lot of the places in this country. The East coast is fast becoming a megalopolis, all the way from Portsmouth nearly to Florida. If we project our trend as of today, the increased number of vehicles on our highways, and increase our highways to accommodate this increased number of vehicles—if we increase them at the same accelerated rate for the next fifteen or twenty years as we have done the last fifteen or twenty years, we won't be able to move on our highways fifteen or twenty years from now.

I submit that we have got to do some planning on transportation especially, even if we put aside the

pollution element, I submit, and I have stated before, that one of the answers perhaps is to bring back our railroads. We can build a railroad now cheaper than we can build a first class highway, and we can move a lot more traffic over it. I think that that might be one of the answers.

I am going to speak at some other time on our environmental bills that we have got coming up, our anti-pollution bills — 1773, 82 and 85. I am for all three of those bills. I hope they pass. I think that the time has come, as I have said before, when we have got to plan the future of the State of Maine, and highways are going to come into it. I think that this planning group, whether it be the Environmental Commission or whether it be a special unpaid board of experts set up to project these things into the future, that we have got to give up a few of our liberties for the sake of our very existence in the future.

Now I know some people would say that sounds hairbrained. I have talked to people who say, "Well, we have got to have the roads because we are going to have that many more vehicles." I think perhaps they are right in their thinking, but I think in a good many cases that is very short-range thinking. I think the time has come when we can no longer afford short-range thinking. We have got to begin to think in long range for our very existence, for the very fact that we want to continue to breathe air. We want to somehow clear up our streams and lakes in this state of ours. We want to somehow keep our landscape free of strip mining as much as we can, put it back in its beauty which a lot of it still is; and again I say that if we continue to build roads, roads, roads everywhere, that is polluting to the ground and of course the additional automobiles polluting to the air.

So with this brief—I think it is fairly brief dissertation on it, the first time I have been on my feet in this session, I will let it go at that and we will go ahead with the vote. Probably it will go through but I still say that I never again

will vote for a big bond issue for highways at any other time if I am here until or unless some planning is done to change policy on highway construction. One more point on this policy. I find, among my constituency, too many of my people back home say, "What do we get out of this big road construction?" I have many roads in my area, secondary roads, that people are the ones that are driving over every day, that have had no rebuilding for twenty-five or thirty years. What they want is the money spread more thinly and cover more miles within our state, and less attention to these huge double highways.

So, again, with that I will leave it as it is and we will go on with the vote.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: This \$19½ million bond issue disturbs me somewhat, because the people back home in my area turned it down last November, and I see where they have cut it down 2½ million now. But after listening to the President last night and he and those fellows down in Washington they don't seem to be going to be passing out too much money, I would just like to know if the Highway Committee could tell me exactly how much the Federal Government is going to give us. Have they got money set aside to give us this, or are we just going to issue these bonds and then they are going to have a little nest egg to play with? I would like to know how much money that we are going to get from the Federal Government on this 19½ million.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: Once again the necrophiliacs of this Legislature have assembled to exhume a corpse buried last November by the people of Maine who voted no on the proposal of a bond issue of \$21½ million on behalf of the State of Maine to build state highways. It is my belief that

the silent majority, the taxpayers of this state, have expressed themselves very emphatically on this issue. The Town of Sanford voted a majority vote no against the bond issue and I believe that a moratorium on road building could serve a good purpose for better planning, better organization and control within the State Highway Commission.

The motto of the State of Maine is Dirigo — "I lead," and we as the elected representatives of the people of Maine are their leaders in this matter. Regardless of political consequences I feel that I have no alternative but to ask you to lead this army of determined, insulted and exploited pocketbook protesters, who less than ninety days ago said no to a \$21½ million bond issue.

I must vote my conscience in this delicate matter regardless of political consequences. As a representative in a democratic society governed by majority rule, I have no alternative but to respect the wishes of the majority of the voters of my area. I make no motion at this time.

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

Mr. KELLEHER: Mr. Speaker, I would like to ask that question again. How much money is the Federal Government going to give us? Can they guarantee that we are going to get X-amount of dollars for this 19½ million?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair and the Chair recognizes the gentleman from Brooks, Mr. Wood, who will answer the question.

Mr. WOOD: Mr. Speaker, to answer the question of the gentleman from Bangor, we have been assured from the department, and all of the facts show that for the \$19½ million the Federal Government will match at the rate of approximately \$60 million. This is assured; it is a fact; and this money is set up for the past year and the next year, and it will lapse at the end of another year. If we don't get the bond issue to match that money within the next year, we will lose \$60 million.

I had a little sheet passed out here, some of you have probably read it, some of you haven't. I am going to read it for the record:

"The highway construction program has been reduced to the maximum extent reasonable while still allowing for matching federal funds.

The \$19.5 million bond issue will provide for matching of up to \$60 million in federal funds, for a total construction effort of nearly \$80 million. These federal funds will lapse if not matched by state funds.

Highway users in the State of Maine pay approximately \$30 million per year in federal highway user taxes, of which approximately \$23 million goes into the Federal Highway Trust Fund. Federal funds are available for highway purposes to the State of Maine on the average of \$35 million per year. If the federal funds are not matched, then Maine's highway user taxes would be diverted to other states.

Highway construction throughout the State of Maine will come to a virtual standstill if additional state funds are not made available.

It is estimated that nearly 5,000 people are directly employed in the highway construction industry in the State of Maine, with an estimated annual payroll of nearly \$30 million. These Maine businesses and workers will suffer severe financial reversals if the highway construction program is not continued.

Highways are absolutely essential to the citizens of the State of Maine. Practically no activity in the lives of Maine citizens is accomplished without some use of highways. It is essential that Maine's roads be maintained and improved in a satisfactory manner."

I would like to ask you people what you think would happen if an industry that is now in the State of Maine with an annual payroll of \$30 million and approximately \$50 million to buy supplies was closed down at this point, for the next year, and take from the economy of the State of Maine \$80 million over a period of eighteen months? The highway industry is the only industry to my knowledge that manufactures a product and then

the product belongs one hundred percent to the State of Maine.

Our roads constructed by our money, the federal money is our money and it belongs to the people after the roads are constructed. Our roads today are going backwards much faster than we are keeping them up and I don't really know and I don't think that anybody can answer what will happen if that program ceases for the next eighteen months.

That is one thing to think over. I have had to search my conscience, to think of the defeat that the program had in the last election. In my district it was turned down about two to one. I have talked to a good many people in the district. They have told me that they voted against it but they didn't know that we would lose this money. They thought we were merely delaying the program for awhile, to pick it up and go on from there with full funds from the Federal Government. But this is not so and I think when we show it to the people that they will vote for these funds to keep our construction program going. It is no use for me to keep rehashing the things that I have talked over and over to the individuals in this House, but these are facts and I think before we vote no on this issue we should think pretty strongly about what we are doing to the economy of the State of Maine.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This afternoon I promise you I will try to be brief. First let me tell you it is probably obvious to you that I don't have a canned speech written by the Highway Commission. But before you slap the hands of these people that sent you here that I consider intelligent — I did when they sent me here, like a little boy that got his hand in the cookie jar and they slapped his finger and told him he mustn't do it, he must do something over again. This is the way I feel about it.

Now there have been a lot of vague statements made, so I am not going to try to make any vague

ones and use the word if and so on and so forth, but I will tell you emphatically that this department has money enough to match all federal funds until June 30, 1972. Now this is a matter of fact. Before you slap the hands of these people who voted for you and voted against this bond issue this afternoon, I wonder how many of you realize how much 65 Mack trucks cost. How many highway buildings were built in the State of Maine in the last year or so — buildings, not roads. Do you know how much unexpended surplus here is? Nobody else seems to want to talk about unexpended surplus — that's what they build buildings with.

Do you know these things? If you know all of these things then you are qualified to tell the people back home that you don't know what you are doing. I submit to you it may be the top people back home that do know what they're doing. I submit that to you for your consideration. I submit that this department should start cutting their cloth to fit the pattern, and now. Not tomorrow, but now. And I submit that this department should start cutting their cloth to fit the pattern, and now; not tomorrow, but now.

You remember what I told you last winter, that this bond issue wouldn't pass? I was unheeded by this House, but I am telling you the same thing today; I am serious, dead serious. This will never pass the people; this will only antagonize the people.

Now you can bring all the super lobbyists that you can get in the halls, and you can bring the department in here, but the people don't have time. They weren't allowed an hour to come down here and lobby. I think this was very unfair, this super lobby.

Did you know that this department spent \$74 million last year, most of you don't; but they did. And approximately 35 percent of that was used in administration and engineering. Now you think that one over — 35 percent of your tax dollars from highways was spent in engineering and administration. Do you realize that if this was a private industry and it was more than 10 percent, the whole top brass would be walking down the

road and there would be new people to the head of the command? These are some of the things why people voted against this bond issue, and there has nothing been changed. I am sure they will do it again.

I don't want to create voter apathy. You know there is such a thing. And when you slap their hands enough and say you didn't do it right and try to make them go back over and over again and do this over again, you are going to get them so they won't even go to the polls and maybe vote for you or anybody else. They are going to get fed up with going there and going through this motion, which is just a motion, and then we come down and say, "Oh, you didn't do it right. Do it over again." This is what creates voter apathy, and I don't like that. I like to see a large percentage of the people vote. And I like to hear them speak out like they did on this matter, and I think they have. And I think you should uphold them. You should uphold the people you represent, not the people that come and lobby up and down these halls. They represent minority groups. So please don't slap their hands for something that they did right. 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 don't have a canned speech or don't know where I could get one, but I would like to pose a question through the Chair to the gentleman from Enfield, Mr. Dudley, if he may choose to answer. In his remarks, "As a matter of fact he knows that in the department there is a sufficient amount of money to finance these programs." I would like to ask the question of Mr. Dudley, if he knows as a matter of fact that these funds are in the Highway Department, would he care to indicate to us where they might be located?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, poses a question through the Chair to the gentleman from Enfield, Mr. Dudley, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. DUDLEY: Mr. Speaker and Members of the House: I will attempt to answer this complicated question. As of about a week ago this money was available. I don't know what they spent last night, in view of this vote coming up today, but let me say there is something like—you have it on a paper before you, something like \$17 million bonds that haven't been sold. And they told us at our committee hearing that they could take care of the expenditures up until June 30, 1972. I believe all the other members of the committee understand that too, the same as I do. And they have some unexpended bonds that we issued that will give them the right to sell some two years ago, and I think you have it before you on something that has been distributed here. Even then they haven't talked about unexpended surplus. And I say it is something like a man gets his pay from the mill, and he stops on the way home and indulges in a little beverage, and he gets home and he has no check, so he has to go to welfare to get some relief. And I think this department is something similar. They spend their money on so many other things, then they come here and cry on your shoulder and try to get you to go back to the people for a bond issue.

But I hope I answered the question. I now have this before me. It says here, I think it is \$17,300,000 in bond issues that are current. And this is what we were told by the Commission—members of the committee were told at the hearing, that they were alright until June 30, 1972.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Maybe I might throw a little light pursuant to the question asked the House by the gentleman from Madawaska, Mr. Levesque, to the good gentleman from Enfield, Mr. Dudley. The money terms, \$17,300,000 are unissued bonds. In that unissued bond amount lies the amount of \$4,500,000 which is now up one million dollars because of rising costs

of materials and labor concerning the Lewiston and Auburn bridge. Also, the remainder of the money, which would leave some \$12,800,000, the remainder of that money has already been allocated by the Legislature in past and current years and cannot be applied in any event, any of it, absolutely none of it can be applied to this \$19,500,000 bond issue.

I think possibly, also, I might be able to add some further thinking concerning the amount of—as posed on two points by the gentleman from Bangor, Mr. Kelleher, the amount as spelled out by the gentleman from Brooks, Mr. Wood, is accurate, of \$60 million. But I think we might also look at the figures in another area. We pay the Federal Government, every year, \$30 million highway-user taxes. This we must pay regardless of the passage or non-passage of this bond issue. Now by taking advantage of this program, we get in return \$35 million per year, which is \$70 million, so that actually we would pay in \$60 million and get in return \$70 million. Other states are not as fortunate as we are. Other states, fortunately for them, are wealthier than we are. And I can hardly see where we can propose to throw \$10 million down the drain.

Now in my humble opinion, in that the people in several areas voted no in this last bond issue, in retrospect I might suggest to you that the people of Maine also by vote of three to one voted no on the first bond issue wherein it concerned the Lewiston-Auburn bridge. The special session of the Legislature was kind enough to allow me to resubmit a bill, and also by a vote, a two-thirds vote, resubmitted this version to the electorate of the State of Maine. Then it became a four-letter word spelled "work". And I believe that what did happen, we have been so prone at times to criticize the activities of the State Highway Commission, particularly at times the activities of the chairman, so that he has told me he was dead set on not wanting to be identified as being a number one lobbyist to further fund his programs. So he stayed put. And I think, in my

humble opinion, that was a mistake on his part, not in judgment, but a mistake on his part in his unwillingness, and justifiably so, to want to be criticized any more than he might have been. I happen to be one of those who think very, very highly of this man and his activities and the very things that he stands for.

I think this afternoon we are somewhat at a crossroads as to whether or not we want to cripple the activities of a department, cripple the activities of our programs in the summer. The date of March will allow the programming to start this summer, a further date would further cripple the program.

With due deference to the good gentleman from Enfield, Mr. Dudley, who has done a great deal of research work on this program, I feel that in this particular instance, here, it might be that his enthusiasm far over reaches, in my humble opinion, the good judgment that I know he possesses. And I certainly hope, Mr. Speaker, that when we vote on this measure, we will vote with a resounding yes so we can go on with the program of constructing our roads and maintaining our roads.

I had distributed for you, not done by the Highway Commission itself, done by me, programs involving all of your areas and your counties. This is what it means. If this program is passed, this is what it means, and non-work if it does not pass. Mr. Speaker, I move passage of this bond issue.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: This morning when the chairman of the Highway Commission was here, I asked him a question. What happens if the people do not approve this bond issue? Are we going to come back in another special session sometime the latter part of March or early April and do it all over again? I wonder how many times they will tolerate throwing this back in their face. I think perhaps a smaller issue might have won

passage last fall. I think a smaller issue might win passage now.

I am wondering, and the people are wondering why we have so many poor secondary roads, why we have so many poor through highways like Route 2 or Route 1, primary highways, and money is expended to the tune right here of \$5,175,000 on a second lane on I-95 from Alton north, that to my mind, and to the mind of many people, is not needed.

The Highway Commission has approved building I-95 north of Old Town and go by town after town, after town with traffic that formerly went through it and left tax money along the way. They go through woodland now where formerly they went through towns, left gas tax money, oil tax money, sales tax money, and all that is gone. In the little Town of Macwahoc alone, prior to I-95 going north of Medway, when they had to go through on Route 2 there were two grocery stores, two garages and a smaller filling station. Now we have one garage struggling to survive. We have one grocery store. The man who owns the grocery store once managed the filling station also. Within a month, mind you, within a month he had to close down his filling station. He lost \$250 in sales tax alone from that little filling station. Now there are not too many articles in a filling station subject to sales tax of any amount.

Now that is what happened in one little town that has a population of perhaps 150 to 200 people. What has I-95 done statewide? And yet we want to take something like a quarter of this bond issue and dump it on I-95 again. And I recognize there are federal funds matched here. The people don't want it. The people are saying, "We have had enough of the Highway Department rail-roading everything through, thinking we don't know anything." And I will go along with Mr. Dudley when he says that it is like, more or less, big daddy knows best. Do we know best? I sometimes wonder. I can't go along with this.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: The hour is relatively late in the afternoon, and I would like to bring forth a few thoughts that I think probably in a lot of areas do not exist, and I know in a lot of counties do not exist. I know we in northern Maine, were still travelling on tarred highways 12 years after the Interstate was started in the lower part of the state. After that we started having a little bit of hot top.

Be that as it may, the feeling seems to be this afternoon that the people have turned this down, and they might have had their very good reasons. I agree. In our state, as well as many other states, if we were to pass something like this over the people's head, then you might be able to justify yourselves, well, the people didn't want it, but we are going to pass it anyway.

The people of Maine are still going to have the right and the prerogative to tell the Legislature and to tell the Highway Department that we are not going to have any construction of any part of our highways for the next 18 months. If this is what the people would like to have, they will be afforded the opportunity through our Constitution of having a chance to voice this opinion at the polls, as was indicated in March.

It may be that if all the issues that come before the members of the Legislature were to go back to the people, that there may be a lot of them that would not become law. And yet again, there may be a lot that we are not doing that they would like to become law. In our democratic society, and protected by our Constitution, the people of Maine are going to have the final say as to whether we should continue our highway construction for the next eighteen months. Recovering around \$30 million or \$35 million that we are now giving to the Federal Government, that if we don't use in our state, will be allocated to another

state in the near future. I think the people have this right by our Constitution, and I feel certainly that there is not going to be any construction in my area, but just because it is not needed or is not going to be allocated in my area this year, that it may not be needed another year.

So I support the bond issue, and I hope that the members of this House will see fit to support the document, so again if the people don't like it, they know when they go behind the curtain as to what they are going to do after they have heard the pros and cons. And one thing that I feel very certain of, that I am pretty sure that when the gentleman from Enfield, Mr. Dudley, goes behind that curtain, knowing what the facts are, that he will vote in the right way. Thank you.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: No doubt about it. I would vote for a bond issue, but my vote will be in the minority where I come from. But I didn't rise for that purpose, I rose to tell you that it has just been stated that our highway program will be in jeopardy in the next eighteen months. This is not a fact. This program has nothing to do with the next eighteen months. We already have money enough adequately to take care of the situation until June 30, 1972. That is more than eighteen months.

The SPEAKER: All in favor of the enactment of this Bill, An Act to Authorize the Issuance of Bonds in the Amount of Nineteen Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways, Senate Paper 626, L. D. 1801, will vote yes; those opposed will vote no.

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. 96 voted in favor of same and 23 against.

Whereupon, Mr. Starbird of Kingman Township requested a roll call vote.

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

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

The SPEAKER: The pending question is the enactment of L. D. 1801. If you in favor of its enactment you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Baker Barnes, Bedard, Bernier, Birt, Bourgoin, Bragdon, Brennan, Brown, Buckley, Burnham, Casey, Chick, Corson, Cottrell, Couture, Crommett, Croteau, Curran, Curtis, Cushing, D'Alfonso, Dam, Danton, Dennett, Donaghy, Drigotas, Dyar, Emery, Erickson, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gilbert, Goodwin, Hall, Hanson, Hardy, Harriman, Haskell, Hawken, Henley, Hewes, Immonen, Jalbert, Johnston, Kelley, K. F.; Kelley, R. P.; Keyte, Laberge, Lebel, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Martin, McNally, McTeague, Meisner, Mills, Moreshead, Morgan, Nadeau, Norris, Ouellette, Page, Payson, Porter, Quimby, Richardson, H. L.; Ricker, Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Susi, Tanguay, Temple, Thompson, Tyndale, Vincent, Wheeler, White, Wight, Williams, Wood, Speaker.

NAY — Berman, Bunker, Carey, Carrier, Carter, Clark, C. H.; Clark, H. G.; Coffey, Cote, Crosby, Cummings, Dudley, Durgin, Eustis, Farnham, Faucher, Finemore, Gauthier, Giroux, Heselton, Hichens, Huber, Jameson, Jutras, Kelleher, Lawry, Marsteller, Millett, Mitchell, Mosher, Pratt, Rand, Richardson, G. A.; Rocheleau, Soulas, Starbird, Stillings, Trask.

ABSENT — Benson, Binnette, Boudreau, Chandler, Cox, Evans, Good, Hunter, Kilroy, Lee, Leibowitz, LePage, McKinnon, Noyes, Sahagian, Santoro, Waxman.

Yes, 96; No, 38; Absent, 17.

The SPEAKER: Ninety-six having voted in the affirmative and thirty-eight in the negative, ninety-six being more than two thirds, the bill receives final enactment. It will be signed by the Speaker and sent to the Senate.

The Chair laid before the House a matter tabled earlier and later today assigned:

Bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 640) (L. D. 1811)

Tabled — January 27, by Mr. Jalbert of Lewiston.

Pending — Passage to be engrossed.

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

The following paper from the Senate appearing on Supplement No. 4 was taken up out of order.

**Ought to Pass in New Draft
Passed to Be Engrossed**

Report of the Committee on State Government on Bill "An Act to

Clarify and Amend the State Housing Authority Law" (S. P. 612) (L. D. 1790) reporting same in a new draft (S. P. 642) (L. D. 1813) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-393)

In the House, the Report was read and accepted in concurrence and the New Draft read twice. Senate Amendment "A" (S-393) was read by the Clerk and adopted in concurrence. Under suspension of the rules, the New Draft was read the third time, passed to be engrossed as amended and sent to the Senate.

By unanimous consent, the foregoing matters were ordered sent forthwith to the Senate.

On motion of Mr. Richardson of Cumberland,

Adjourned until ten o'clock tomorrow morning.