

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, March 25, 1975

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

Prayer by the Rev. Danjel Joyce of Milbridge.

The journal of yesterday was read and approved.

**Papers from the Senate
Tabled and Assigned**

From the Senate: The following Joint Order: (S. P. 391)

WHEREAS, unemployment is currently the major economic problem in this State, with the unemployed and underemployed now totaling at least 30 percent of Maine's labor force; and

WHEREAS, the Federal Public Services Jobs Program, authorized by the Federal Comprehensive Employment Training Act of 1974 and intended to alleviate this problem, has been subject to criticism and has not gained the full confidence of the citizens of this State; and

WHEREAS, the problem of unemployment is one of grave concern to this Legislature and generally considered in need of emergency action; now, therefore, be it

ORDERED, the House concurring, that a Joint Select Committee on Jobs be established, consisting of 4 Senators to be appointed by the President of the Senate and 8 Representatives to be appointed by the Speaker of the House to examine the effectiveness of the present employment programs of the State, including that conducted under the Comprehensive Employment Training Act of 1974, to establish priorities for the use of public service jobs under the Comprehensive Employment Training Act and to consider new programs and methods in which the State can respond to the present unemployment problem; and be it further

ORDERED, that this Committee shall make its first report to the regular session of the 107th Legislature no later than May 30, 1975.

Came from the Senate read and passed. In the House, the Order was read.

(On motion of Mr. Rolde of York, tabled pending passage in concurrence and tomorrow assigned.)

Bills from the Senate requiring reference were disposed of in concurrence.

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Increase the Salaries of Certain County Officials of Oxford County" (S. P. 137) (L. D. 441)

Report of the Committee on State Government reporting same on Bill "An Act Creating a State Employees Suggestion Awards Board" (S. P. 153) (L. D. 527)

Report of the Committee on Appropriations and Financial Affairs reporting same on Bill "An Act Appropriating Funds to Meet Current Needs of Prosecutorial District No. 2" (Emergency) (S. P. 161) (L. D. 535)

Report of the Committee on Business Legislation reporting same on Bill "An Act Relating to Uniform Finance Charges under the Maine Consumer Credit Code" (S. P. 200) (L. D. 667)

Were placed in the Legislative Files

without further action, pursuant to Joint Rule 17-A, in concurrence.

Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting Leave to Withdraw on Bill "An Act Appropriating Funds for Spruce Budworm Control Program Research and Assessment Surveys" (Emergency) (S. P. 186) (L. D. 620)

Report of the Committee on Election Laws reporting same on Bill "An Act to Provide Penalties for Officials Who Improperly Subscribe to Absentee Ballots" (S. P. 155) (L. D. 529)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

Ought to Pass

Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act to Increase Fees for Overlimit Permits" (S. P. 255) (L. D. 831)

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

In the House, the Report was read and accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act Relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 910) (L. D. 1109) which was referred to the Committee on Labor in the House on March 18.

Came from the Senate referred to the Committee on Business Legislation in non-concurrence.

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

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills, Resolves and Resolutions were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act to Provide for the Distribution of the Proceeds of the Tamano Litigation Settlement" (H. P. 1146) (Presented by Mrs. Post of Owls Head) (Cosponsors: Mr. Rolde of York, Mr. Bustin of Augusta, Mr. Pierce of Waterville)

Bill "An Act Adjusting State Employees' Pay" (Emergency) (H. P. 1176) (Presented by Mr. Smith of Dover-Foxcroft) (Cosponsor: Mrs. Goodwin of Bath)

Bill "An Act to Clarify the Priority Social Services Program to Assure Effective Utilization of State and Federal Resources for Human Services" (H. P. 1187) (Presented by Mr. LaPointe of Portland) (Cosponsor: Mrs. Goodwin of Bath)

(Ordered Printed)

Sent up for concurrence.

Bill "An Act Relating to Tax on Pari-mutuel Pools and State Stipend Law" (H. P. 1190) (Presented by Mrs. Najarian of Portland) (Cosponsor: Mr. McKernan of Bangor)

Committee on Reference of Bills suggested the Committee on Appropriations and Financial Affairs.

On motion of Mr. Kelleher of Bangor,

referred to the Committee on Taxation, ordered printed and sent up for concurrence.

**Appropriations and Financial Affairs
cont'd.**

Bill "An Act to Provide Retirement Credit for Superior Court Justices for Time of Service as a District Court Judge" (H. P. 1200) (Presented by Mr. Farnham of Hampden)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Prohibit the Sale of Salmon by Anyone Not a Commercial Producer" (H. P. 1144) (Presented by Mr. Conners of Franklin)

Committee on Reference of Bills suggested the Committee on Business Legislation.

On motion of Mr. Conners of Franklin, referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Business Legislation

Bill "An Act Relating to Risk Sharing Plans in the Field of Property Insurance" (H. P. 1160) (Presented by Mr. Connolly of Portland)

Bill "An Act Relating to Cancellation of Insurance Policies under the Maine Consumer Credit Code" (H. P. 1177) (Presented by Mrs. Clark of Freeport)

Bill "An Act Relating to Clarification of Interlocking Loans under the Maine Consumer Credit Code" (H. P. 1180) (Presented by Mrs. Clark of Freeport)

Bill "An Act Concerning Home Repair Salesman Licenses Issued by the Department of Business Regulation" (H. P. 1197) (Presented by Mr. Dudley of Enfield)

Bill "An Act Relating to Property Insurance under the Maine Consumer Credit Code" (H. P. 1201) (Presented by Mrs. Clark of Freeport)

Bill "An Act Relating to Default under the Maine Consumer Credit Code" (H. P. 1202) (Presented by Mrs. Clark of Freeport)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Limit School Tuition Increases" (H. P. 1175) (Presented by Mr. Bagley of Winthrop)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Establish Run-Off Primaries" (H. P. 1173) (Presented by Mr. LaPointe of Portland)

Resolution, Proposing an Amendment to the Constitution to Provide for Gubernatorial Run-off Elections (H. P. 1194) (Presented by Mr. LaPointe of Portland)

(Ordered Printed)

Sent up for concurrence.

Energy

Bill "An Act to Extend the Provisions of the Energy Emergency Proclamation" (Emergency) (H. P. 1152) (Presented by Mr. Martin of Eagle Lake) (Approved for introduction by a majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Bill "An Act to Preserve the Passamaquoddy-Cobscook Bay Tidal

Potential for Generating Power by Moratorium on Incompatible Developments" (H. P. 1155) (Presented by Mrs. Post of Owls Head)
(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Increase the Fine for Molesting Traps" (H. P. 1143) (Presented by Mr. Conners of Franklin)

Bill "An Act Prohibiting the Shooting of Hunting or Sporting Dogs" (H. P. 1157) (Presented by Mr. Conners of Franklin)

Bill "An Act to Require Mandatory Training for Certain Persons Hunting with Firearms" (H. P. 1203) (Presented by Mr. Conners of Franklin)

Bill "An Act to Insure the Conservation of Endangered Species in the State of Maine" (H. P. 1204) (Presented by Mr. Tozier of Unity)

Bill "An Act to Provide Funds for Fishway on the Kennebec River" (H. P. 1178) (Presented by Mr. Carter of Winslow)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act to Clarify the Law Relating to Disposal of Septic Tank or Cesspool Wastes" (H. P. 1171) (Presented by Mr. Dam of Skowhegan)

Committee on Reference of Bills suggested the Committee on Health and Institutional Services.

On motion of Mr. Dam of Skowhegan, referred to the Committee on Natural Resources, ordered printed and sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Private Visitation and Rehabilitative Process at Correctional Institutions" (H. P. 1181) (Presented by Mr. Lovell of Sanford) (Cosponsor: Mr. Pelosi of Portland)

(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act to Provide for Review and Planning of Human Service Programs by Regional Planning Commissions" (H. P. 1186) (Presented by Mr. Davies of Orono.)

Bill "An Act Designating Family Day Care as a Priority Social Service" (H. P. 1207) (Presented by Mr. Rolde of York.)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Implement the Recommendations of the Maine Traffic Court Advisory Committee" (H. P. 1158) (Presented by Mr. Hughes of Auburn) (Co-sponsor: Mrs. Miskavage of Augusta)

Bill "An Act to Prohibit False, Fraudulent or Deceptive Political Opinion Polls" (H. P. 1159) (Presented by Mr. Silverman of Calais.)

Bill "An Act Relating to the Revised Enforcement of Foreign Judgments Act" (H. P. 1161) (Presented by Mr. Silverman of Calais)

Bill "An Act to Exempt School Teachers, Secretaries, Bus Drivers, Teacher Aides, Cafeteria Employees and Custodians from Liability for Rendering Emergency First Aid or Transportation Services to Injured Students" (H. P. 1168) (Presented by Mr. Faucher of Solon)

Bill "An Act Revising the Pauper Laws" (H. P. 1172) (Presented by Mr. Henderson

of Bangor) (Cosponsor: Mr. LaPointe of Portland)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act Relating to the Expending of Procedures under the Municipal Employee Labor Relations Board" (H. P. 1169) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Concerning the Powers of Officers of Religious Societies" (H. P. 1164) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Bill "An Act Requiring Employers to Give Employees a Written Statement of the Reason for Termination of Employment" (H. P. 1167) (Presented by Mr. Faucher of Solon)

Committee on Reference of Bills suggested the Committee on Legal Affairs. (On motion of Mr. Snow of Falmouth, tabled pending reference and tomorrow assigned.)

Legal Affairs cont'd.

Bill "An Act to Assist Small Communities in the Development of Recreational Services" (H. P. 1189) (Presented by Mr. Mills of Eastport)

Bill "An Act to Clarify and Amend Municipal Home Rule Ordinance Powers" (H. P. 1195) (Presented by Mr. LaPointe of Portland)

Bill "An Act to Provide for the Appointment or Election of a Fire Chief in Each Municipality" (H. P. 1206) (Presented by Mr. Rolde of York) (Cosponsor: Mr. Berry of Buxton)

(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act Relating to the Qualifications of Town Managers" (H. P. 1148) (Presented by Mr. Dam of Skowhegan)

Bill "An Act to Authorize Municipalities to Borrow in Anticipation of Taxes" (H. P. 1149) (Presented by Mr. Dam of Skowhegan)

Bill "An Act Authorizing the County Commissioners of the Various Counties to Expend Funds for the Purchase of Real Estate" (H. P. 1165) (Presented by Mr. Dam of Skowhegan)

Bill "An Act Amending the Law Regulating Municipal Debt" (H. P. 1184) (Presented by Mr. Carey of Waterville) (Co-Sponsor: Mr. Shute of Stockton Springs)

Bill "An Act to Increase Salaries of County Officers of York County" (H. P. 1185) (Presented by Mr. Farley of Biddeford)

(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act to Temporarily Suspend the Lobster and Crab Fishing License Moratorium" (Emergency) (H. P. 1141) (Presented by Mr. Shute of Stockton Springs)

Bill "An Act to Allow Commercial Shellfish License Holders to Petition the Commissioner to Test Areas Closed Because of Pollution" (H. P. 1142)

(Presented by Mr. Shute of Stockton Springs)

Bill "An Act to Permit the Use of Weirs and Eel Traps in Certain Washington County Waters" (H. P. 1145) (Presented by Mr. Conners of Franklin)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act Relating to Requirements for Waste Water Treatment Plants under Environmental Protection Laws" (H. P. 1183) (Presented by Mr. Bowie of Gardiner) (Co-sponsor: Mr. Mills of Eastport)

Bill "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air" (H. P. 1191) (Presented by Mr. Peterson of Caribou) (Co-sponsor Mr. Bennett of Caribou)

Bill "An Act to Insure that Certain Applications under the Site Location of Development Act List the Name of the Responsible Professional" (H. P. 1192) (Presented by Mrs. Lewis of Auburn)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Permit the Public Utilities Commission to Review Sewer Rates and Charges upon Request of an Aggrieved Party" (H. P. 1140) (Presented by Mrs. Snowe of Auburn)

Bill "An Act to Allow Nonprofit Corporations to Operate Ferries on Casco Bay" (H. P. 1150) (Presented by Mr. Connolly of Portland)

Bill "An Act to Require Ferries Operating in Casco Bay to be Equipped with Radar Devices" (H. P. 1151) (Presented by Mr. Mulhern of Portland) (Cosponsors: Mr. Flanagan of Portland, Mr. Hewes of Cape Elizabeth)

Bill "An Act Extending Eagle Lake Water and Sewer District to the Plantation of Wallagrass" (H. P. 1153) (Presented by Mr. Martin of Eagle Lake)

Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay (H. P. 1154) (Presented by Mr. LaPointe of Portland) (Cosponsor: Mr. Jensen of Portland)

Bill "An Act Concerning the Use of Coin-operated Telephones" (H. P. 1156) (Presented by Mr. Faucher of Solon)

Bill "An Act to Incorporate Howland Water District" (H. P. 1198) (Presented by Mr. Dudley of Enfield) (Approved for introduction by a majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Authorize the Appointment of a State Poet Laureate" (H. P. 1147) (Presented by Mr. LaPointe of Portland)

Bill "An Act to Include the Chairman of the Land Use Regulation Commission on the Board of Pesticides Control" (H. P. 1208) (Presented by Mr. Cooney of Sabattus)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Amend the Taxing Provisions under the Catastrophic Illness and Medically Indigent Program" (H. P. 1162) (Presented by Mr. Silverman of Calais) (Cosponsor: Mr. Connolly of Portland)

Bill "An Act to Help Maintain the Purchasing Power of Participants in the Elderly Tax and Rent Refund Program by Tying Refunds to the Consumer Price Index" (H. P. 1163) (Presented by Mr. Silverman of Calais)

Bill "An Act Relating to Property Assessing Tax Laws" (H. P. 1170) (Presented by Mr. Blodgett of Waldoboro) (Cosponsors: Mr. Rolde of York, Mr. Greenlaw of Stonington, Mr. Connors of Franklin)

Bill "An Act to Exempt Certain Property Used as Housing for the Elderly from Property Taxation" (H. P. 1182) (Presented by Mr. Curtis of Rockland)

Bill "An Act Relating to Sales Tax on Aircraft and Sales Tax Exemption on Trade-in Credit for Aircraft" (H. P. 1188) (Presented by Mr. Morton of Farmington) (Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Concerning the Transportation of Long Logs by Combination Vehicles" (H. P. 1166) (Presented by Mr. Dam of Skowhegan)

Bill "An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Kennebec River" (Emergency) (H. P. 1179) (Presented by Mr. Carter of Winslow)

Bill "An Act Granting the Maine Port Authority Certain Powers with Respect to Acquiring, Operating and Leasing Certain Railroad Equipment" (H. P. 1193) (Presented by Mr. Littlefield of Hermon)

Bill "An Act Relating to Delivery of Suspensions under the Motor Vehicle Laws" (H. P. 1199) (Presented by Mrs. Snowe of Auburn)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act to Include the Maine County Commissioners Association under the State Retirement System" (H. P. 1196) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage: (H. P. 1209)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Lewiston High School Runner-up Champions First New England Hockey Tournament

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read and passed and sent up for concurrence.

Mr. Birt of East Millinocket presented the following Joint Resolution and moved its adoption: (H. P. 1210)

IN MEMORIAM

Having Learned Of The Death Of

DR. LORE ROGERS

OF

PATTEN

The Senate and House of

Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

The Order was read.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think it is only right that I should say just a few words about Dr. Rogers. He was one of the unique people that came out of the State of Maine, particularly in the Patten area, who grew up at the latter part of the last century and the first part of this century. He was the oldest living alumnus of the University of Maine. Yes, he used to enjoy a rather unique distinction because he attended regularly the class reunions up until the last year. He would stand up and say that his class was entirely represented when they asked for a roll of the classes.

He was the last survivor of the original football team of the University of Maine, playing with that team in 1893. On February 7, he observed his 100th anniversary, which is a distinction in its own right.

He spent many years working for the Department of Agriculture and became internationally renowned, received many awards from that department, and when he came to his latter years, a man about 72 or 73 years of age, he finally returned to his home town and not wanting to be completely retired, whenever the development of a museum, which brought back many of the memorabilia or unique artifacts of the lumbering industry, which he knew as a boy. This museum is an ongoing program that has set up a board of trustees, and I am hopeful that it will continue now that he has left the scene.

I think that he has made many contributions to our society, and I think we have been much better for his presence with us.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

Mr. Usher of Westbrook presented the following Joint Order and moved its passage: (H. P. 1220)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Bradley S. Rogers of Westbrook, Maine's Outstanding Newspaper Carrier of the Year

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read and passed and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act Making Additional Appropriations from the General Fund for

the Expenditures of State Government for the Current Fiscal Year Ending June 30, 1975 (S. P. 390) (L. D. 1138)

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

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I thought I would just run through this L. D. with you. It is an appropriations bill, it is the so-called deficit bill which the Appropriations Committee has had in its possession now for about a month and a half, and it has been working on it. Part of it has been reported out in previous L. D.'s, monies that were urgently needed in some departments. This is the rest of the so-called deficit bill. I thought I would just run through the figures with you very generally so that you would know what we are doing.

The first \$69,500, which is being paid by the Treasurer of State to the counties represents the last \$69,500 required under the law to be paid to the counties that the state is obligated to pay as a result of changing from the old county taxes, which were collected by the counties, to the tree growth tax. This is an obligation that has been a longstanding obligation of the state since the tree growth tax was enacted.

The second item going to the Department of Education and Cultural Resources is part of that deficit which has arisen in the Department of Education and Cultural Resources which will be refunded from the surplus which currently existing. The original request for \$9.9 million. The committee has withheld \$5.4 of that \$9.9, which was regarded as the local share of the overrun under L. D. 1994. This was done not in an attempt to get the \$5.4 back on the local property tax but simply as a courtesy to the Education Committee while it is deliberating over L. D. 1994 and what ought to be done with that L. D.

The third item represents approximately \$4 million to the Department of Health and Welfare. The request has been for a total of \$6.9 million, \$4.1 and approximately \$2.9, \$2.9 coming in a second request. The committee has withheld the \$2.9 because that late request came to us without recommendations for funding from the Governor. The committee feels that we cannot appropriate the \$2.9 million without funding, so we are reporting out \$4 million for the Health and Welfare Department to fund deficits in the general assistance, the medical assistance, the intermediate care, the supplemental SSI and the AFDC accounts. That is \$4 million.

The next \$11,000, which you see on the L. D., represents the judgment against the state. The committee feels that we can do nothing about that except pay it. It is an obligation which is incurred by the state through a court decision.

The remaining item of \$10.6 million represents an allocation of bond money to pay principal on currently existing projects that have been completed. This later action is underpinned by the Attorney General's opinion and represents the most feasible of funding this item in the judgment of the Appropriations Committee.

My seatmate is pointing to an item that I have left out, which is \$314,170 for the Department of Mental Health and Corrections, which basically represents money that is needed to pay for increased food and fuel costs which have been incurred over the last year and which will

be a deficit in this coming quarter if it is not appropriated.

This bill represents, in the judgment of the Appropriations Committee, the least money that we can get by with in the remaining quarter of this fiscal year. It is on the floor for enactment today because the Governor is leaving tomorrow and we are told by those who have to do the paper work that tomorrow is the last day anyway that they can do the paper work to get the money ready for April 1. So I would urge your support for this L. D. this morning.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would pose a question to the gentleman from Dover-Foxcroft, Mr. Smith, or any member of the Appropriations Committee relative to this \$10.6 million appropriation. I think it would be very unwise fiscal policy if we used bond money as expenditures for current expenses. I can't tell from the reading of the L. D. precisely what we are attempting to do here with this \$10.6 million, but apparently it comes from a bond issue that was approved by the people in a general election. I would appreciate verifying that this bond money is not being spent for current expenditures.

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

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: This money represents principal payments which are due or will be due shortly on construction projects that are presently completed. The Appropriations Committee is not entirely happy with this arrangement, but due to the shortage of money, we feel that this is the only feasible way for funding these principal payments as they come due in the near future.

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

Mr. CAREY: Mr. Speaker, do I understand the gentleman from Dover-Foxcroft, Mr. Smith, to say—these funds as I understand them and the gentleman from Cape Elizabeth, Mr. Hewes, understands them, were originally set up in 1973 to fund new construction. Now the department has found itself in a position because of the change in 1994 with the debt service that they are paying for older debts, are they going to pay it out of this now?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, the gentleman is essentially correct.

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

Mr. HENDERSON: Mr. Speaker, I would also like to pose a question to any member who would care to answer it with respect to the \$2.9 million that was not appropriated for the Department of Health and Welfare, I wonder if anyone could comment on the consequences in terms of either services or property taxes that are the result of not appropriating that money?

The SPEAKER: The gentleman from Bangor, Mr. Henderson, poses a question

through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, the committee addressed this issue and it was the conclusion of the committee that it would not affect services. As far as we know at this point, it will have no immediate impact upon property taxes. I believe that some time before the end of this session, this \$2.9 million probably will be appropriated in one way or another. However, it would not be unusual to see a \$2.9 million continuing deficit as the Health and Welfare Department has been operating now for some time, as you know, a matter of many months under a deficit. This is simply reducing their deficit from \$6.9 to about \$2.9. And when we hear from the Governor on how he plans to fund that, the Appropriations Committee, I am sure, will act.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think this is a sad day when we have to get to this type of financing. I hope you realize the seriousness of this. I consider it a very serious affair when we have to relate to this type of financing for present day programs. I am not in favor of it.

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

Mr. LAPOINTE: Mr. Speaker, I would like to pose a question through the Chair. Would someone from the Appropriations Committee please comment on the possible impact this bill we are going to enact, maybe we are going to enact in a minute or so, has on the Governor's budget. Does it affect the balance of his budget? Is, in fact, his budget balanced now with this particular L. D.?

The SPEAKER: The gentleman from Portland, Mr. LaPointe, poses a question through the Chair to any member who may care to answer.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: This bill as presented to you by the committee does not throw the Governor's budget, as he says it is balanced, out of balance. If we had thrown the \$2.9 million that we are withholding in on top of it, it definitely would have made a shortage in the surplus account in the unappropriated surplus which the Governor is planning on to balance his budget, as he says. So my answer is that it does not affect the Governor's budget for the next biennium. In fact, this L. D. is essentially a recommendation that does come from the Governor.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, I would ask a question relative to the Department of Education and Cultural Services. That \$10.6 million, it was my understanding originally that a legal opinion was to be sought as to whether or not these monies could be used for that purpose. Was such an opinion obtained?

The SPEAKER: The gentleman from Wells, Mr. Mackel, poses a question through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, in my original comments, I mentioned that this \$10.6 million was underpinned by an opinion of the Attorney General.

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

A vote of the House was taken.

114 having voted in the affirmative and 24 having voted in the negative, the motion did prevail.

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

By unanimous consent, ordered sent forthwith.

House Reports of Committees Ought Not to Pass

Mr. Maxwell from the Committee on Taxation on Bill "An Act Providing for Trade-in Credit Exemptions for Trailers under the Sales Tax" (H. P. 157) (L. D. 192) reporting "Ought Not to Pass"

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Exempt from the Sales Tax Sales of Certain Brochures and Booklets to Nonprofit Organizations" (H. P. 515) (L. D. 633) reporting same.

Were placed in the legislative files without further action pursuant to Joint Rule 17-A.

Leave to Withdraw

Mr. Drigotas from the Committee on Taxation on Bill "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax" (H. P. 183) (L. D. 232) reporting Leave to Withdraw

Report was read.

(On motion of Mr. Carroll of Limerick, tabled pending acceptance of the Committee Report and tomorrow assigned.)

Ought to Pass in New Draft New Draft Printed

Mr. Dam from the Committee on Taxation on Bill "An Act to Increase the Veteran's Property Tax Exemption" (H. P. 52) (L. D. 64) reporting same in New Draft (H. P. 1174) (L. D. 1172) under same title and that it "Ought to Pass"

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Allow a Trade-in Credit on the Sales Tax on Boats" (H. P. 185) (L. D. 233)

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland
MERRILL of Cumberland
— of the Senate.

Messrs. MORTON of Farmington
MAXWELL of Jay
COX of Brewer
IMMONEN of West Paris
SUSI of Pittsfield
TWITCHELL of Norway
MULKERN of Portland
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. DRIGOTAS of Auburn
DAM of Skowhegan
FINEMORE of Bridgewater
— of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, may I pose a question to any member of the Taxation Committee? In boats does this include all classes of boats, pleasure boats as well?

The SPEAKER: The gentlewoman from Portland, Mrs. Boudreau, poses a question through the Chair to anyone from the Taxation Committee who may care to answer.

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

Mr. DRIGOTAS: Mr. Speaker, in answer to the lady's question, yes, it does include all types of boats, pleasure boats as well as commercial boats.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, I would pose another question. Do they have any breakdown as to the amount that is covered by pleasure boats or by commercial boats?

The SPEAKER: The gentlewoman from Portland, Mrs. Boudreau, poses another question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker and Members of the House: What we have done here, we have classed all boats together as one class. The loss in revenue in this bill is projected at \$100,000. There is some question whether this is a true loss in revenue.

The problem we face is, Maine operates on what we call a gross sales tax on boats, where all the neighboring states operate on either no sales tax, as New Hampshire, or they operate on a net. An example of a net would be an automobile where when you trade an automobile in, you get credit for your trade-in toward the new automobile you are buying. Presently in Maine, when you trade in a boat, you pay full sales tax on the new boat and no credit is allowed on the boat traded in. We would like to see this changed so you do get a credit on the boat traded in.

The result of this has been that the trade-in sales in Maine are practically non-existent because a boat is a highly mobile product and immediately you go out of state to buy it if you need one or out-of-staters never would buy one in Maine because they can save the sales tax by buying it out of state. Therefore, we have applied this to all classes of boats, be it commercial or pleasure, and what we are trying to do is to help a major industry of the state and our feeling is that by doing this, whatever loss there will be will be greatly offset by the gain in total tax to the State of Maine through greater sales.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: As an owner of a pleasure boat, I know they are great things to have but it certainly is not one of

the necessities of life, and with the loss of revenue on this bill, a \$100,000 each year, I would think that we would give this bill some thought before we enact it. If they could come down with a bill exempting commercial boats, that would be another story, but I just cannot go along with this as written.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, men and women of the House: I would just like to say that in coming from an area which is constantly hurt by the State Sales Tax because our merchants have to continually compete with New Hampshire, I am very happy to see this type of bill come out to aid some of our merchants in our area. The thing I question is the — I would like to pose a question to the Taxation Committee. Wasn't there going to be a bill put in or is there a bill put in that is going to establish this type of trade-in credit for all types of purchases. Second, if not, is the committee going to report out these bills sort of piecemeal and take an individual such as, the boats, in one case such as this and then maybe farm machinery in another, not farm machinery because that is exempted, but construction machinery in another bill, this type of thing? I would like to have the Taxation Committee give us an idea of what some of the other bills they might want to report out on this.

The SPEAKER: The gentleman from So. Berwick, Mr. Goodwin, poses a question through the Chair to any member who may care to answer.

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

Mr. FINEMORE: Mr. Speaker, may I speak without answering that question?

The SPEAKER: The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: You notice that I am a signer of the minority report. We are just opening the door. I wonder if it is better to let boats get a trade-in tax free than it is for a man buying construction vehicles or buying loaders for pulpwood, cranes, whatever you can mention? This would be a tax loss up into maybe \$50 million before it stops, if you took it all off, which we can't afford to lose, and possibly more.

There is no tax that we have in the state now that is increasing like the sales tax, due to the fact of inflation. On loaders that we bought in 1965, we paid around \$600 or \$700 tax. This year we are paying \$2,000 tax on the same thing. Look at the tax money we have coming in, and this one right here especially, this old talk of being in competition with New Hampshire is getting tiresome in this House. Everything we hear is what they do in New Hampshire and that is true to all of us probably, but this tax isn't being lost like they claim it is by going into New Hampshire.

I heard this bill and I can't for the life of me see why the people who signed the "ought to pass" report signed it that way knowing that this is a foot in the door. I mean a foot in the door because of simple reasoning that it stands to lose so much tax. Why should you have boats trade-ins when you don't have it for refrigerators? And everything in your home, why do you pay a 100 percent on your home stuff and then turn around and ask for an exemption on boats and boats only?

I can't agree with this bill. I am not going to fight it too long, as I took a bad beating yesterday, and I can't stand two in

two days. I am going to ask that you consider this, consider all items, consider the fact that if we ever open the door, which we are doing right here, we are just putting the foot in a little stronger all the time. I hope you will consider that and go along and vote against the "ought to pass" report.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: As one of those who signed the majority "ought to pass" report, I would like to give my reasons why I would vote for this and perhaps might not vote for some other exemptions. This is because we are dealing with an industry here which manufactures these boats, or at least many of them, in Maine. By removing the tax, or at least giving this credit for the trade-in, I felt that we would be encouraging a rather major industry in Maine.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: Just to shed a little light on this bill, it has been before the Taxation Committee several times in the past and it has always gotten a poor showing.

I rather agree with some of the remarks that the gentlewoman from Portland, Mrs. Boudreau made. However, I do feel that we have a lot of money bills that come through the House and the other body from time to time, in great amounts which assists many of the different agencies around the state.

The silver-haired orator from Bridgewater, who is very persuasive with his remarks on the Taxation Committee, and I certainly don't like to take him to due this morning, because he certainly lends a lot of stability to that committee, but it seems rather strange that we on the coast occasionally can't just sort of get something going in our direction and get it away from that aura or atmosphere in Aroostook County that they like to take home up there. They have always supported us on some of our fishing bills and we feel that there is a neglected industry along the Maine coast.

In a time such as we have now of high costs and inflation, I know that it is a rather poor time for a member of the Appropriations and Finance Committee to be asking you to cut out any funds. However, I do feel that at this particular time with lobster fishermen, clam men, and wormers along the coast who buy many of the small boats that are down there, you have many marinas, you have many boat dealers with huge supplies of inventory, you have Spring coming, and I can't think of a thing that we could do right now any more than to boost their morale and pump a little bit of light in their direction by passing this bill or at least for the time being accepting the "ought to pass" report.

I also question at this time the \$100,000 which is the price tag on it. I talked to a very close friend the other day from one of the departments, and he questions that very much at this particular time. It might be nearer \$50,000, and when you have just voted the package previously a while ago under emergency passage here, I would think you would sort of bear with me that there is an industry out there as well as the automobile industry, which has been favored in the past, and I think if you will look into taxation and some of the

exemptions, that there have been many little items that have come along that favored certain industries and I certainly don't want to erode our tax base any more either.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentlewoman from Portland this morning. I don't believe that we are in any position now to be handing out any giveaways or whatever you would like to call it, far as the Taxation Committee is concerned.

If you had looked here earlier this morning, there was a bill to "Leave to Withdraw" exempting the gas for cooking and heating of homes. There was a bill of mine that I respectfully asked the Taxation Committee to withdraw because of the financial picture that we are in. There was a \$150,000 price tag on it.

Now, the Taxation Committee is certainly this year the committee of exemptions, and I don't believe that we are going to be in any position here to support any exemptions at this session. Yesterday at our caucus, and we have heard this morning what a difficult financial picture the state is in, and I think we would be irresponsible in accepting the majority "ought to pass" report.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and when the vote is taken, I request the yeas and nays.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I hate to go up against the formidable gentleman from Bangor, Mr. Kelleher, but I feel as though you should keep this bill alive today, and as one of the signers of the "ought to pass" report, I think I should try and defend my position.

This bill, of course, is a loss of revenue of about \$100,000, and as many of the proponents said, it may be actually less than that. I have a couple of reasons for signing this bill "ought to pass." Number one, I think we should be doing something to get rid of some of these double taxes, and that is just exactly what this thing is. To me, it is an unfair tax, and I can't excuse keeping a tax like this on here.

Also, it is true that both classes of boats are protected. For one thing, I am very interested in the fishing industry in Maine. I think commercial fishing boats, our fishermen are getting ripped off by the foreign fishing fleets, their equipment is being destroyed, and they can't get any reimbursement for that; they are being kicked all over the place. It seems to me that maybe the State of Maine can do them a little favor by taking this little tax off them. Also, it just seems that this is a good bill.

I would like to see this committee keep this alive; it can go to the appropriations table, if we can't find the money for it, so be it, that is the way it goes.

I agree that the state is in a bad financial picture. It doesn't look very encouraging right now, but we never know, maybe things will get a little bit better. So I would hope that you will keep this bill alive today.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the gentleman from South Berwick's request, there is another bill which I have

sponsored which is similar to this one only it covers more items. It is very interesting to note that the fiscal note on my bill is only a \$150,000 and they have a \$100,000 on this one.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "ought not to pass" report, I would like to state briefly some of the reasons why I signed this report.

One, if this had just gone for commercial fishing boats or boats made in Maine, I think I might have been on the other side of the report, but this took in all boats.

As far as the \$100,000 loss of revenue is concerned, I am inclined to agree with the gentleman from Aroostook County, Mr. Finemore, that is is going to cost an awful lot more than a \$100,000, because the inter-departmental memorandum that came from the Department of Taxation does not say that this is a very true figure. In fact, they almost hedged, and it was sent out to the sponsor of the bill because they had asked for a fiscal note on this bill. I would read this to you: it says, "You have requested information as to the basis which was used for comparing the estimate of loss of tax were a trade-in credit allowed for boats. It appears that similar bills have been presented to several legislatures in the past and that after having made the initial estimate, this estimate has merely been increased each time the bill has been presented to take into consideration both increased prices and larger volume of sales together with an increase rate in the sales tax law." This is the only basis they have used for coming up with a \$100,000. It is going to be more than this.

Now, if this bill is allowed to pass today, I am going to offer an amendment saying that when this reaches the \$100,000 loss, that this bill would be cancelled out and the exemption would be taken away and the tax will be put back on so that we don't come back here in Special Session or the next session and find out that we are a \$1,500,000 in the hole for a bill that we passed that was only supposed to cost a \$100,000 today. We should give some thought to this.

I am sure that before the day is over that somebody will get up and rap some of the other reports, but each person might think on any committee and has a reason for signing the report the way they sign them. But today this is a serious bill. It is not a \$100,000 loss, it is going to be a lot more.

When we heard this bill, we heard the argument from the proponents that this would increase the business in the State of Maine and the state would have more tax coming in. This is an argument that I used in the last session on a bill to exempt new machinery from the sales tax, but I couldn't get it through using that argument. What we had to do on that bill to get it through was to increase the corporate tax to offset the loss of revenue, even though it might have increased the sales tax and business in the State of Maine. So, I don't think that is really a valid argument, even though I used it, because at least we came up with a mechanism for funding. I think there should be a mechanism for funding in any of these exemption bills.

Another thing that disturbs me greatly was that at this hearing when I asked the sponsor and the co-sponsors, if we did see fit to report this bill out in a good fashion,

could you support at a later date an increase in the income tax? From two of the members I got a definite, no, the co-sponsors from one of the other sponsors, I got a lawyer's answer, although he wasn't a lawyer, but it was a hedge-around answer and only from one member, a co-sponsor, did I get any direct answer, yes, I could stand on the floor of the House and support an increase in the income tax. I think before we pass these exemptions bills, we have got to be able to stand here and say that if the income tax has to be increased, somebody who asks for an exemption, that we would be willing to go along with another mechanism for funding. It is easy to pass bills that take away the money, but it is awfully hard to get the members to stand on their feet and support a measure that will put the money back into the treasury.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, men and women of the House: We have had some discussion here on the fact that Maine's tax laws ought to be consistent and that if this bill is passed that maybe we ought to think about trade-ins on stoves, tables and just about everything else. To me, it seems a bit inconsistent, and a bit ironic to boot, that automobiles that are brought in from Detroit are given tax benefits under Maine laws now but the boats that are made here in Maine, which is a State that has always had a rich heritage in shipbuilding, are not given those same tax benefits. This bill would help two groups of people, both of whom are an important part of our economy — one, boat building and the other is our fishing industry. This program is not a give away program. It simply gives Maine industries the same equal consideration under our tax laws as automobile dealers.

I ask you to vote against the indefinite postponement.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I live in a coastal area. We have four or five marinas that deal in boats. I am heartily in favor of the motion of Mr. Kelleher to indefinitely postpone this bill. I also agree with my good friend from Skowhegan, Mr. Dam.

The way this Legislature is going right now, and we might as well face it, unless we increase taxes, either the income tax or something, we are going to be in the same state as the State of Massachusetts is right now, dead broke, in about two years.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to any member of the Taxation Committee who would care to answer. Item 3 on today's calendar, which we granted "leave to withdraw" and tabled, was an act exempting gas for cooking and heating in homes from the Sales Tax, is there another such bill in committee?

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, has posed a question through the Chair and the Chair would advise the gentleman, however, that the matter is not before us.

The chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: As a cosponsor of the

measure, I would simply state that I am in disagreement with much that has been said here today, for obviously I would ask equity in the area of trade-in credit in sales tax for my constituency along the Maine coast.

Maine shipbuilding and pleasure or leisure boatbuilding is a major industry along the coast. It affects lumbering and it affects jobs and, therefore, it affects our economy.

I would ask that you vote against the motion for indefinite postponement.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: Although I can understand how one might be swayed by the eloquence of the shipbuilding industry, I think it is ironic that on the same page, item one, an act that would have allowed for trade-in credit exemptions for trailers under the sales tax provisions of the state was not allowed to pass.

I just asked the gentleman from Norway, Mr. Twitchell, who happens to be my seatmate, whether in fact there wasn't a trailer-building complex of the type that was outlined in item one in his home town and he said there was. I also understand that there is such an industry in the southern part of the state. The question is a rhetorical one probably, and I would like to address it to someone in the Taxation Committee, why then wasn't this particular industry, which happens to be native, also brought under consideration and why wasn't that bill reported out?

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to put too much effort in this bill because I don't care for it.

When I came here and took my oath of office, I believe I took that oath of office to uphold what I thought was correct in the handling of the duties of the state and the financing of the state. In my opinion, in my best opinion right now, we cannot allow this, not that it isn't due. I agree with the gentleman from Bar Harbor, this should be done, there is no question, but in my opinion, it can't be done at this time.

They bring up cars. In the 104th Legislature, Mr. Speaker you may correct me if I am incorrect, we passed a law for one month to take the trade-ins off automobiles but at that time, through some dickering and trading, we traded for the income tax. I, myself, voted for the income tax, which I was against, but I voted for it to leave that and several other worthy bills in position where they could still help the people.

Again, we have a bill, the next one down, item 6, which is not before the House at this time, but this is another bill altogether where you will find this altogether different.

In answer to what Mr. Cox has said, a very fine gentleman and a very fine committee member, in regard to building boats in Maine and the labor and so on and so forth, the gentleman the other day, the biggest boat builder in the State of Maine, I can't recollect his name, but he told us that he was booked ahead. He wasn't booked ahead as much as he has been in the past, but he was still booked ahead on boats. Therefore, they are selling them.

And to bring to your attention too, in regard to this \$100,000, what is the proper

amount, I agree with the gentleman from Skowhegan, Mr. Dam. This is the proper amount, but it is the reverse to what has been said here this morning. It is a much greater amount, because this would only be \$2 million to bring in \$100,000 — it would only be \$2 million boat sales with trade-ins. You know and I know, we all know, that there are more boats traded in in the State of Maine every year.

Again, as I say, I will vote for indefinite postponement, but if it goes, I won't feel bad because it has got a lot of good merits to this bill, but we aren't in a position to do it at this time. And as a member of Taxation, I think it is my duty to vote to save the income, the revenue for the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am very gratified that the gentleman from Bridgewater is softening his attitude. I would call your attention to the remarks of the gentleman from Skowhegan, because he was essentially correct in many of the things he said today. One of the things he said was that the report that set up the fiscal note was in question. The only thing I have, I think it is definitely in question on the high side.

There was evidence given at the committee hearing that this particular bill, if enacted, would actually not create any change in the taxable income, even without further sales. And I believe there is a possibility, if we keep it alive today and it becomes necessary, it might even be amended to strengthen that position.

I am putting in a bill, I signed it this morning, to do relatively the same thing here with aircraft, and the fiscal note on that bill is no loss of revenue. I think it all depends on how the bill is structured.

What we are trying to do here is stimulate business without costing the state much mooney. I think there are strong possibilities of that in this bill, and I urge you to vote against the motion to indefinitely postpone, keep this alive and, if necessary, for amendment at a later time.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to wind up with asking a question. Let us say that someone from New Hampshire or Vermont or Massachusetts or even someone from Maine or has a summer home in Maine are in the process of having built a quarter or half a million dollar boat, which means a lot of material, which means a lot of labor in Maine. If the tax is on in these other states, I would like to ask any member who can answer, what stops him from setting up a corporation in New Hampshire and ducking the tax and consequently having the boat built in New Hampshire instead of having it built in Maine and thereby losing all the revenue? I speak as an inlander married to the coast. That question has arisen before here. I would like to have it answered.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to anyone who may care to answer.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, that device is used to avoid payment of sales tax on these boats.

I would make a few remarks also. I suspect that right now there is much confusion in your minds. You have heard both sides of this issue, and I wish that I had available to me some information on this topic that would relieve your confusion on it. To my knowledge, there isn't any such information. The three or four times that this bill has been before the legislature, I believe that I have opposed it every time. I turned over this time, gathering from this most recent hearing that a high percentage of the boats that are sold on our coast, many of which are manufactured right here on our coast, either one of two things, either they will avoid payment of the tax completely through legal devices such as were mentioned here previously by the gentleman from Lewiston, or they set up a sales outlet in another state, even though the ownership is up here in Maine and run the sale through that outlet there in a state where there is no sales tax. So it is just reaching a point of diminishing returns.

We see an industry obviously agonizing over this because I don't think they are crooked people. I think they would like to do business legitimately, but we put them in the position where in order to compete they have to use all of these diversionary tactics that are foreign to their nature, and this kind of got under my skin. Our revenue from this source is decreasing and it apparently is going to practically disappear. This is what swayed me. It is a matter of where you put the accent. There are, in my opinion, valid arguments on both sides of this issue. So I think at this point we just make our choice.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: As a representative of upwards of 15 boat builders along the coast, I would urge my colleagues today to support this legislation in the fact that we would then be giving them relief. If you feel that it should be amended to include only Maine-built boats, I think these folks would heartily support you in this measure. But I urge you today not to kill this measure but keep it alive because I think these folks along the coast need your support.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: In response to my good friend Mr. Morton from Farmington as far as the information, the only information I have is the same information that he has as a member of the committee that was put out by the Deputy Tax Assessor, John T. Singer.

In the last paragraph he states: "Initial estimate made in 1967 was the result of information furnished to this office by Frank L. Sample & Son, Inc., shipbuilder in Boothbay Harbor, Albert G. Frost Co., boat builder in Scarborough and the Census of Business, Retail Trade, Maine, reflected sales of boat dealers."

Since we have been debating this, all I have heard is the boatbuilding trades in Maine. As I said previously, had this bill spoken specifically to the boatbuilding trade in Maine, then I would have been on the other side of the report, but this takes the sales tax off all boats sold in Maine, whether they come in from another state or another country.

I am still going to vote for the indefinite postponement of the bill, but should this bill survive today, I am going to offer an

amendment to take in all Maine products and exempt them from the sales tax, all Maine manufactured products sold in the State of Maine, because if we are talking about increasing business in one area, let's increase it in all areas. Let's get the industries in the State of Maine going, and this is where we should go, and let's gamble for two years that if we take the sales tax off all manufactured goods manufactured in the State of Maine and sold to Maine residents, we will really get the State of Maine economy booming. For that reason, even though I am going to vote for the indefinite postponement of the bill, I would hope the rest of you would vote to keep the bill alive so that we can get this thing going the way it should be.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker and Members of the House: Concerning the loss of revenue, we have no idea how much revenue will be lost. The boat builder that Mr. Finemore was speaking about was Mr. Hinckley. He sells boats \$200,000 and \$300,000 apiece. This isn't taking the tax off the boat entirely. It is only taking it off the trade-in value as it would be for your automobile. He said when he had someone perhaps that wants to trade in a hundred thousand dollar boat and they find that they have to pay the sales tax on that as well as on the cost of the new boat, this loses sales for him or it makes it so he cannot even accept trade-ins. It puts him in a very difficult situation, and then he informs his clients that perhaps they should go to another state, form a corporation, and buy the boat that way. So we lose all the sales tax that might have been gained on the sale of a hundred or two hundred or three hundred thousand dollar boat. This is just one example, but it shows that the loss of revenue might not be nearly what we suspect it would be.

I hope you do not vote for indefinite postponement.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If there is one group of individuals that I certainly want to help in the state, it is those people who can trade a hundred or a hundred and fifty thousand dollar boat in. Those are the ones I want to help.

I think Representative Dam hit the nail on the head very accurately when he said if we are going to take this particular industry and exempt it, then we should exempt all Maine manufactured goods. If we begin here to start to accept the exemptions coming from the Taxation Committee, you can mark my words, we are going to be voting ourselves a major tax somewhere in the near future.

As I said earlier this morning, as I understand our financial situation to be, it is poor, and if we accept this bill this morning and others, we are going to be in a more difficult position in June than we are right now in March.

I hope that you do support my motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker and Members of the House: If there is one thing we do want to do, it is support the builders who are building \$200,000 boats. We want to support the builders who are building hundred dollar boats.

Mr. Hinckley employs 150 people in this

state. He also usually has a backlog of orders that go a year and a half, and he is now working at a half year. He is not in a large industrial complex. He is out on the end of a point, Southwest Harbor. This is the only work these people have.

I would also point out to you that Mr. Hinckley and Paul Luke in the Boothbay Harbor area are probably the highest quality yacht builders in the United States, if not the world. People come from everywhere to buy these boats. This is money coming into Maine. This is jobs kept in Maine.

We talk about our problems with taxes and where our tax revenue will come from. We should consider that if we do not have the jobs, if we are not paying the payrolls, we are not going to have anyone to tax. We have got to keep Maine competitive with other states and we have got to help Maine businesses. And on the other end of the scale from the \$200,000 boat, there is the guy who has the little boat in his back yard with an outboard motor on it and he goes out and he does some bass fishing in Sebago Lake, and he is buying boats and he trades boats. He can just as well throw that boat on a trailer and trail it out into New Hampshire when he wants to trade his boat, or he will sell the boat himself and then buy cash, and you won't get a trade in on the boat that he sells because there is no tax when it is a private sale between two individuals, only when it goes through a dealer.

So this is exactly the kind of risk and the kind of chance we need to take in the State of Maine. This is the kind of bill we need to pass to encourage business and industry in the state. And I hope very much you will vote against the "ought not to pass."

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 those 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 Bangor, Mr. Kelleher, Bill "An Act to Allow a Trade-in Credit on the Sales Tax on Boats," House Paper 185, L.D. 233, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Connolly, Cooney, Cote, Curran, P.; Dam, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Hall, Henderson, Higgins, Hobbins, Hughes, Hunter, Ingegneri, Jensen, Joyce, Kauffman, Kelleher, LaPointe, Laverty, LeBlanc, Leonard, Lizotte, Lynch, MacEachern, Mahany, Miskavage, Nadeau, Pelosi, Powell, Quinn, Raymond, Rideout, Spencer, Sprowl, Strout, Stubbs, Teague, Theriault, Tierney, Tozier, Wagner, Walker, Wilfong, Winship.

NAY — Ault, Bagley, Bennett, Blodgett, Bowie, Burns, Byers, Churchill, Clark, Connors, Cox, Curran, R.; Curtis, Davies, DeVane, Doak, Faucher, Fraser, Gauthier, Goodwin, H.; Gould, Gray, Greenlaw, Hennessey, Hewes, Hinds, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kany, Kelley, Kennedy, Laffin, Lewin, Lewis, Lovell, Lunt, Mackel,

MacLeod, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Mitchell, Morin, Morton, Mulkern, Najarian, Norris, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Susi, Talbot, Tarr, Torrey, Truman, Twitchell, Tyndale, The Speaker.

ABSENT — Goodwin, K.; Littlefield, McMahon, Palmer, Silverman, Usher, Webber.

Yes, 69; No, 75; Absent, 7.

The SPEAKER: Sixty-nine having voted in the affirmative and seventy-five in the negative, with seven being absent, the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Exempt Fuel Adjustment Charges from the Sales Tax" (H. P. 189) (L. D. 266)

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland
MERRILL of Cumberland
— of the Senate.

Messrs. IMMONEN of West Paris
TWITCHELL of Norway
DRIGOTAS of Auburn
DAM of Skowhegan
FINEMORE of Bridgewater
MAXWELL of Jay
COX of Brewer
MULKERN of Portland
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. MORTON of Farmington
SUSI of Pittsfield
— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, moves the House accept the Majority "Ought to pass" Report.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Auburn, Mr. Drigotas, just what is the tax loss on this item?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to any member who cares to answer.

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

Mr. DRIGOTAS: Mr. Speaker, I hate to say it in a loud voice, but it says a million dollars. However, this is a form of double taxation, and I think this is why the majority report came out as it did.

The fuel adjustment charge, as you read in the statement of fact, is a charge

The fuel adjustment charge, as you read in the statement of fact, is a charge forming part of the bill for electricity and electricity. The customer also pays the tax

on it when he is billed for it. So this is the reason why I think the majority report came out as it did.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I am glad to see that creeping into legislation is consideration of double taxation. I hope it goes much farther.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: When I signed this report "ought to pass," I signed for one reason and one reason only, so that it would come out on the floor of the House and you people would realize, as well as the rest of the people in the State of Maine, that this is one area where they are being double taxed and are being double taxed very heavily. When the power companies buy the oil to generate the power, they pay a tax, and when we pay our light bills, we pay a tax on top of that tax.

I realize, too, and I am not stupid or being so naive to think that this bill would ever get off the Appropriations Table, but at least it is out here and it is out here so you people realize that it is not only the electrical power in the State of Maine that is generating the power that is pushing the cost up, but it is the State of Maine itself when we put a tax on top of tax, and this is not the only instance we have in our taxation laws. We have many others where we are taxed on top of tax, and this is one reason the sales tax is producing so much today, because of the inflation and the fact that we are taxing tax on tax and tax again, and this is the only reason I signed this report because I do not feel today that we have any chance of ever, even if it passed the House and the other body, of ever getting it off the appropriation table.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I would like to pose a question to anyone who might answer and that is, is the effect of this bill to definitely reduce the electric bill the consumer will be paying? I mean, is this going to come off the consumer end or is this going to come off somewhere in the process and not necessarily show up at the consumers light bill?

The SPEAKER: The gentleman from Bangor, Mr. Henderson, poses a question through the Chair to any member who cares to answer.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: That is a very good question, but it should come back to the people. You know this is not only a tax on a tax but this increases the tax $\frac{1}{4}$ of 1 percent. The last time when you taxed that 5 percent you are taxing $\frac{5}{4}$ on the next one. So, therefore you are really gaining a quarter of 1 percent over and above the regular tax.

I noticed up in Aroostook County we had an electric light bill that had increased by the surcharge of .127. It had increased over \$25 in one month from \$68 to 80-some-dollars. Now, this is going a little too far and this is one that I mentioned that I didn't dare talk on before and you will also notice. This is maybe a poor thing to bring out — but you notice the minority signers on this, if you would, I won't repeat the names and you will notice where they

signed on the other bill. I wonder who they are thinking of, whether they are thinking of the consumer and poor people and the elderly and the SSI recipients or whether they are thinking of the man who can buy a \$250,000 or \$300,000 boat.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: That calls for an appearance.

There are several elements to this bill too and certainly we could be concerned about any of them. We know that consumers of electricity are getting real rough treatment now and we would like to do something for them, that is for certain, the million dollar per year price tag on this concerns us, certainly, particularly in the light of the shortage of funds around here but I think what swayed me finally on this was the concept of a fuel adjustment charge which is a device used to make it possible for utilities to reflect in their bill to the consumer the increase cost of fuel as it occurs. So, we would if we ever enacted this be instituting at least in one instance a concept that I don't think is acceptable to me and that is that you maintain a tax on a basic level and then remove the tax on the increases that occur. This just doesn't seem to me to be a good tax policy and I think that is my main objection to it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will try to be very brief.

It seems to me at this point in the arguments I have heard here this morning we better start considering what State services we are going to eliminate because certainly if we keep eliminating our tax base, we are going to have to eliminate some services.

Now, I have set here in my seat this morning and see bonds spent for current services. Now, this you can't do for very long. You might do it this once and get away with it but I hope the State of Maine exists more than this year and if it is going to exist more than this year you have got to have money to run it on or cut some of the services it is as simple as that.

I would like to be realistic and I don't think some of the people have been very realistic this morning. I haven't heard anybody but what services they intended to cut but somewhere along the line they have got to cut some services if they cut the revenue and for this reason I hate to support taxes as well as any of you but I see no other alternative. I don't believe you are intending to cut many services and I do know that you can't go on using bonds for current services like you did earlier in the day today.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker and Members of the House: This is a bill that I sponsored. I can't think of a worse morning to have it on the House calendar. I usually enjoy very much, Mr. Susi, from Pittsfield, I usually enjoy hearing him speak. This morning I would just as soon he had laryngitis. I do feel that, if we could just remove the sales tax from the fuel adjustment, this is a bill that would help everybody in the State of Maine just a little bit. It would help everybody, it would help the poor and the elderly and the boat builders and you know it is just something that for once everybody in the whole State of Maine would benefit from this. It is an

unjust tax, it is an unfair tax, it is strictly a double taxation. It might not be illegal, but it is unfair and it is unjust that the State of Maine is getting extra revenues from an energy crisis and a fuel adjustment clause and the people in the state, I really think this is something you could go back to your people and say "I have accomplished something in the State of Maine that is going to help everybody." Please accept the Majority "Ought to Pass" Report.

I also request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, the gentleman from Pittsfield and myself, are the only signers of the "Ought Not to Pass" category on this bill and I like to think that my reasons were objective, not emotional.

The arithmetic from the gentleman from Bridgewater escapes me. I don't know where he gets the $5\frac{1}{4}$ percent but that is all right, we will let him use his figuring the way he wants to. They figure different up in Aroostook than we do anywhere else.

I am sure you are aware, ladies and gentlemen, that the Central Maine Power Company came and testified in favor of this legislation. Obviously, as a vendor of any service they are no different than anybody else, they would like to get taxes exempt on services that they sell. Theoretically at least, if the tax isn't quite so high, you might buy a little more of the service or the product or whatever it is.

I think it is a specious argument, ladies and gentlemen of the House, to say this is double taxation unless you go to every other commodity which somewhere along its life has a tax assessed in its construction, in its purchase or something else. Certainly the oil that is used to generate electricity, is taxed. I am sure it is. The state collects on that and until the fuel adjustment charge was put on the bills then there was no tax on the fuel adjustment charge but the fuel adjustment charge, to my way of thinking, is a very legitimate and fair way of getting the utility out of the trouble that it would be in with the three and four time multiplication of the cost of fuel oil. To just say that you are not going to pay the tax on that portion of the sale, sets a horrible precedent and I can't consider it even remotely possible that this is good legislation.

I ask you to look down the road and see the monster that you are setting up. Everybody is going to be in here asking for the same kind of an exemption and with a million bucks on this one and this one is pretty easy to calculate and I am sure it is pretty accurate, I don't think there is any question how this bill should go. I hope you will not accept the majority report.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that this bill came out on the floor. I am very pleased the lady from Bridgton put it in, because this fuel adjustment clause is the problem with this bill. It is time we really brought it out because they sold the electricity last summer to our wonderful summer residents. They came here, they used the fuel, they used electricity and then what happened? They all flew the coop and they left us and then in November, the fuel adjustment clause went into effect. That fuel adjustment clause increased by assessment \$25 a month.

Now, I have a business and I am in a position where I can take it, but I happen to know that many of the elderly, many of the big families, are not in a position to take it but they had to. They are either going to pay this or else out goes the lights and so they are paying tax on a fuel adjustment clause that shouldn't even be in there. I noticed on my way down here that our rivers are flowing and they are flowing high, wide, and handsome and that the hydro facilities are not being used in this state to the fullest extent possible and here we are paying a fuel adjustment clause on oil that is transported from across the waters. We shouldn't be generating all our electricity right now with hydro—I mean with fuel, we should be generating it right now with hydro. More of it should be coming out of hydro. We don't have any control over this but we are being asked to pay this and you say it is a million dollars. Well, I just want you to know, ladies and gentlemen, that is a million dollars that belongs in the taxpayer's pocket, that you have no business having it in the beginning. It shouldn't even be in here. It shouldn't have been in there in the beginning and, therefore, I urge you all to vote for something that gives the little man, not just the boat builders, something.

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 those 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 Auburn, Mr. Drigotas, that the House accept the Majority "Ought to Pass" Report on Bill "An Act to Exempt Fuel Adjustment Charges from the Sales Tax," House Paper 189, L. D. 266. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA: Albert, Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Binnette, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessey, Higgins, Hinds, Hobbins, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LeBlanc, Lewin, Lewis, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Mitchell, Morin, Mulhern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY: Berry, G. W.; Bustin, DeVane, Farnham, Garsoe, Gauthier, Henderson, Hewes, Hughes, LaPointe, Leonard, Lynch, Mackel, Miskavage, Morton, Perkins, S.; Spencer, Susi, Tozier.

ABSENT: Birt, Laverty, Littlefield, Lizotte, McMahon, Norris, Silverman, Webber.

Yes, 124; No, 19; Absent, 8.

The SPEAKER: One hundred and twenty-four having voted in the affirmative and nineteen in the negative, with eight being absent, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Require Driver's License Renewal Examination at Age 55 or Older" (H. P. 646) (L. D. 798)

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock
CYR of Aroostook

— of the Senate.

Messrs. STROUT of Corinth
KAUFFMAN of Kittery
LUNT of Presque Isle
WINSHIP of Milo
JACQUES of Lewiston
BINNETTE of Old Town

Mrs. BERRY of Madison

— of the House.

Minority Report of same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. FRASER of Mexico
JENSEN of Portland

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not accept the Majority "Ought not to Pass" Report.

I sponsored this bill and I think the title fooled or scared many people. This is not a complete test. It is just a vision test at age 55 or older when you renew your drivers license. This was supported by the highway safety people by the Motor Vehicle Division and by many concerned citizens. There was absolutely no opposition at the hearing, no one appeared against this bill.

There are many people now driving automobiles at the age 55 and older who have never had a vision test and they don't realize how their vision may have become impaired. This is a safety measure and it involves no cost to the applicant. The Motor Vehicle Division has the equipment at the Motor Vehicle Register Offices and at the many areas throughout the state where they conduct driver exams or, as an alternate, the individual can go to his own doctor, send the results of the doctor's examination with his application when he applies for a license, and this will be accepted.

Our automobiles are inspected every six months, isn't it realistic that the drivers vision should be up to par as well as the automobile?

Members of the Transportation Committee said, "Oh, there is nothing wrong with this bill but..." and that is where we went. But the only thing they could come up with, oh, it puts more

restrictions on you as you get older, takes some rights away. How about the rights of everybody on the highway to believe that all drivers are as well equipped to be out there as possible.

As far as the Senior Citizens, I would like to read a clipping that was in the State Council of Older Peoples News Letter. The letter is "Glasses Tested Lately. The person with 20/20 vision, which is normal, has sufficient time to read highway signs because you can view them from far away. Driving at 55 miles per hour; a person with 20/20 vision has about four seconds to read a sign bearing six inch letters, but the person with poorer 20/40 vision has only about half that much time to understand the sign and with 20/100 vision, he has a fraction of that time, about one second. Still worse, at night, the 20/40 person becomes like the 20/200 person as far as the ability to read a highway sign is concerned," and they end up by saying: "should you make an appointment soon for an eye examination" and I am sure the Senior Citizens have no objection to this.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the concept of the lady from Portland. I believe in highway safety, I think everyone here does. If they don't believe in highway safety, they are risking their lives, but when she says that there is going to be no cost to these people, I disagree with her, on the basis that we are going to have people who live away from these examination stations, they have got to lose time to go and have their eyes tested, they will have to lose a days pay perhaps and perhaps more. They can't go on a Saturday because it is a holiday for the departments, they don't work on Saturday and if you go to your doctor, you can rest assured there is no doctor that is going to examine you for nothing, if there is anyway possible he is going to fit you with glasses anyway. So, I don't think that is right.

Now, I am thinking that, at the age of 55, is too young in order to start fitting them up with glasses or force them to get into that area. At the present time at the age of 65, they are doing it. And I believe it is a good thing to have your eyes tested. If anybody wanted to have them tested at the age of 30 or 40, good, I am glad for them, but to make it mandatory at the age of 55, I disagree with it and, therefore, that is one of the reasons why I voted against it.

Now, the good lady says also, there was no opposition there. There might not have been many there that day for opposing, but you can rest assured that the committee opposed.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: This bill deals with a problem that causes most of accidents. Most accidents aren't caused by tires or worn out brakes or mechanical defects, they are caused by people. Human error causes accidents, primarily. This is a bill to try and deal with that problem. Now, if your eyes are starting to go bad or your eyesight is beginning to decrease in terms of quality and all, you are not going to notice it, you are not going to recognize it. As you get older, it is more apt to happen.

Now, I had my drivers license when I was 15 years old. I didn't wear glasses; I didn't need them then. I passed my exam. I couldn't drive a car today without my

glasses. It is unrestricted. This problem occurs at all ages, but I think it occurs more as people get a little older.

At 55, it is not going to cause that much more problem for someone to go out and get his eyes checked. If you have your eyes checked anytime within one year of the time when your license expires, the Motor Vehicle Department will accept this under this law, this proposal. I would doubt very much that it would take someone more than five minutes to go into a Motor Vehicle Department Office and get his eyes checked or he can have it done with his own eye doctor.

I would ask the members of the House to keep this bill alive, at least for the present and I will check and see. I would suspect that it is very possible that the Motor Vehicle Department would be willing to send out these small machines to various areas from time to time as they are needed to the areas that don't have a Motor Vehicle Department Office nearby.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who may wish to answer it.

I would like to know whether this bill, in fact, requires that one take an eye test every two years when their license is renewed. I think most people don't have theirs checked anywhere near that often, and I would like to know whether this is involved here.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach, poses a question through the Chair to any member who may answer if he wishes.

The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, yes, it does at renewal just as they are now doing it at age 65.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I voted on the "ought not to pass" report and I would like to explain my reasons for it.

There are no provisions in the Motor Vehicle Law at present which any person, like my good friend Representative Jensen, who is restricted to glasses, operating a motor vehicle. There are individuals in this state who are restricted and they might feel that they do not need to have their eyes checked or if they do, they can go down to Goodwill or some of the department stores and take a telephone book with them and try on a pair of glasses and say, that's it, I am all set now. They can go from the age of 18 to age 65 today. Yet, I don't see why we should discriminate on people 55 when the younger group can go indefinitely without an eye examination.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support not passing this bill. I believe it is discriminatory. Mr. Jensen mentioned that an early age his eyes were all right and within a relatively short time, his eyes were not all right, he had to go have glasses. I believe that we should require examinations for everybody on an equal basis or we should not require them at all.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and

Gentlemen of the House: I really have been having a hard time getting recognized. All I want to say, actually, is that the bill must be some kind of relief to this House because it doesn't call for thousands of dollars, it doesn't call for a hundred dollars; it calls for a little bit of inconvenience which comes every two years, that is all.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I really wasn't going to debate this this morning, but I just feel that I should arise and maybe verify one of my stands, why I signed the "ought not to pass" report. I just feel now that the present law says that at age 65, they have the eye examination, I really don't think we need to drop the age to 55. I think basically people are aware when their eyes come to a condition where they need an examination without us putting the burden on the Motor Vehicle Department.

The other thing, asking them to have an eye examination every two years, I see no cost factor here. Motor Vehicle says there would be no cost factor, but I rather doubt that Motor Vehicle is going to be able to handle these cases without some increased cost. These are basically why I voted "ought not to pass".

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the members of the committee who voted "Ought not to pass" because I think it would be hardship on many people. They cannot, at the age of 55, apply through the mail for their licenses. They will have to drive either to a license bureau or to a doctor. Doctor's calls now are expensive and this will be an expense to the applicant.

Neither the sponsor nor law enforcement or a Motor Vehicle representative there had any statistics that showed that there are accidents of any kind that were due to poor eyesight. I think if they can't prove this that there is no necessity for this bill.

I would urge you to accept the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from St. Agatha, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope this morning that you would vote to accept the "ought not to pass" report. Correct me if I am wrong, but I have never seen any statistics stating to me that accidents are caused by people 55 or older because their vision was not up to par. Until I do see that or somebody in this body can correct me, I would have to oppose this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: To answer some of the opposition to this, I doubt if people — maybe people are aware that their eyesight is not what it used to be, but they don't always go and have an examination unless there is a very good reason for it and they have to go. They can still apply through the mail. All they have to do is send a certificate from their own doctor and I am sure most everyone has a physical of some sort or another within a two-year period, and the Motor Vehicle Division will accept a certificate that is not over a year old. As far as statistics, it is

pretty hard to test their vision after they are not with us any more.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this bill and for a lifetime I have been trying to find out the causes of accidents. I feel that glasses, the requirement that this bill proposes, is probably just another step in a long list of tests. Will we require these glasses now and then shortly require the blood tests, then the urine tests, then the hearing test of how you can drive with the hi-fi blasting and the windows closed? I submit to you that all of these that I listed is really the crux of the driving, a coordination test should we wear the glasses, submit to the blood and urine tests and the hi-fi tests all at once?

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, has moved that this Bill and all its accompanying papers be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 95 having voted in the affirmative and 18 in the negative, the motion did prevail.

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

Mr. FINEMORE: Mr. Speaker, I now move that we reconsider our motion whereby this bill was indefinitely postponed and I hope that you will vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore has moved that we reconsider our action whereby this Bill and all accompanying papers were indefinitely postponed. If you are in favor you will signify by saying aye; if you are opposed you will signify by saying nay.

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

Consent Calendar

First Day

In accordance with House Rule 49-A, the following items appear on the Consent Calendar for the First Day:

(Item 1) (S. P. 221) (L. D. 734) Bill "An Act Relating to the Giving Away of Deer" — Committee on Fisheries and Wildlife reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 26, under listing of the Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49-A, the following items appear on the Consent Calendar for the Second Day:

(H. P. 618) (L. D. 764) Bill "An Act to Clarify the Personnel Law as to Staff Attorneys in the Office of Attorney General"

(H. P. 581) (L. D. 720) Bill "An Act Relating to Town Maintenance of Highways in Compact Areas"

(H. P. 323) (L. D. 454) Bill "An Act to Transfer Authority for Truth-in-Lending Examinations and Enforcement from the Bureau of Banks and Banking to the

Bureau of Consumer Protection" (Emergency)

(H. P. 579) (L. D. 714) Bill "An Act to Ensure Equitable Billing Practices by Creditors Engaged in Open-end Credit Pursuant to Lender Credit Cards under the Consumer Credit Code"

(H. P. 599) (L. D. 742) Bill "An Act to Clarify the Consumer Credit Code" (Emergency)

(H. P. 609) (L. D. 752) Bill "An Act to Repeal a Certain Provision in the Consumer Credit Code Concerning Relinquishment of the License of a Supervised Lender"

(H. P. 314) (L. D. 390) Bill "An Act to Delete the Requirement that Taverns Serve Men Only"

(H. P. 490) (L. D. 609) Bill "An Act to Place Certain Safeguards on the Proceedings of Medical Review Committees" (C. "A" H-103)

(S. P. 195) (L. D. 645) Bill "An Act Relating to the Labeling of Shrimp" (C. "A" S-32)

(S. P. 222) (L. D. 735) Bill "An Act to Provide for Marine Resource Education by the Department of Marine Resources" (C. "A" S-31)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Provide Funds to Pine Tree Legal Assistance, Inc., for Continued Legal Representation for those in Need" (S. P. 133) (L. D. 438)

Bill "An Act to Prohibit the Department of Inland Fisheries and Game from Issuing Licenses to Persons Convicted of Certain Offenses" (H. P. 1139) (L. D. 1139)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act Creating the Newport Water District" (S. P. 194) (L. D. 661) (C. "A" S-34)

Bill "An Act to Permit Furloughs for Prisoners of County Jails" (H. P. 427) (L. D. 521) (C. "A" H-102)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent to the Senate.

Passed to Be Enacted

Emergency Measure

An Act to Allow the Use of Initial Type Plates on Pickup Trucks (H. P. 62) (L. D. 74)

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. 112 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Authorizing Additional Indebtedness for School Administrative District No. 15 (H. P. 601) (L. D. 744)

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

Passed to Be Enacted

An Act to Provide for the Receipt and Custody of Prisoners of the United States (H. P. 150) (L. D. 169)

An Act to Authorize the Director of the Bureau of Parks and Recreation to Prohibit the Use of Canoes with Motors on Parts of the Allagash Wilderness Waterway (H. P. 387) (L. D. 587)

An Act Relating to Required Information on Packages under the Weights and Measures Law (H. P. 488) (L. D. 607)

An Act Relating to the Provision of Aftercare Services to Entrusted Juveniles (H. P. 376) (L. D. 475)

An Act Relating to Benefits to Convicts upon Discharge (H. P. 308) (L. D. 371)

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 Dealers in Used Personal Property" (H. P. 502) (L. D. 618) (H. "A" H-97) (H. "A" H-101)

Tabled — March 21, by Mr. Stubbs of Hallowell.

Pending — Adoption of House Amendment "A" (H-97) as amended by House Amendment "A" (H-101)

On motion of Mr. Hobbins of Saco, retabled pending the adoption of House Amendment "A" as amended by House Amendment "A" thereto and tomorrow assigned.

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

Joint Order, Relative to Review of the Employment Security Law (H. P. 1004)

Tabled — March 21, by Mr. Rolde of York.

Pending — Passage.

On motion of Mr. Rolde of York, retabled pending passage and specially assigned for Thursday, March 27.

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

Bill "An Act Authorizing the Department of Environmental Protection to License Privately-owned Septic Waste Disposal Sites" (Emergency) (H. P. 154) (L. D. 209) which was passed to be engrossed as amended by Committee Amendment "A" (H-47) as amended by House Amendment "A" (H-53) thereto in the House on March 6. Comes from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-47) as amended by Senate Amendment "A" (S-27) thereto in non-concurrence.

Tabled — March 21, by Mr. Rolde of York.

Pending — Further consideration. The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam. Mr. DAM: Mr. Speaker, I now move we insist.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, moves that the House insist.

The Chair recognizes the gentleman from Windham, Mr. Peterson. Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 209 is a

bill that came to the Committee on Natural Resources that there is a definite need for that we have worked on diligently. We have amended the bill both in this body and the Senate. We have tried to compromise with the gentleman's wishes from Skowhegan and we feel that we have. The committee agreed to a compromise amendment which was attached over in the other body, and the bill has been tabled in this body for a number of days. It is an important bill, a bill that we don't want to lose because it is important to every community in the state that there be these sites available for the dumping of such waste and we have a problem where these sites aren't available. I am afraid if we continue with the action that we are proceeding under now that we may lose this bill.

We have soul-searched, we have worked hard on this bill and it is a unanimous committee report. I don't know what else we can do to this bill, and I would hope that you would look at it carefully and if you want to vote to insist, go ahead, but I wish that you wouldn't.

The bill, I think, is in its best possible shape. It allows for municipal review of licenses that were granted prior to the Attorney General's opinion which said the Department of Environmental Protection could not continue to license these sites in municipalities, privately-owned sites.

What we have done under the new legislation is provide for municipal review of all new proposed sites, and so what we have done, we have also allowed for review of those sites which were licensed. We cannot remove the licenses from those private individuals that obtained them. They have relied on the state issuing the permit, but we have provided that if a municipality has problems with an existing licensed private septic waste disposal area, that it can review within reasonable guidelines, and those guidelines only have to meet the general requirements of the U.S. Constitution and the Maine Constitution.

This bill only affects one person adversely that I know of. There are only 17 sites in the state that are privately owned and that are licensed now. There are 17 individually owned private sites. In only one of those cases would it represent a hardship if the community were in fact to deny the approval of this site. And what is going to happen is that it will end up in court if the municipality tries to remove this site. So, I think the best thing we could do is to vote against this motion to insist and get this bill on its proper course.

I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I support Mr. Peterson's remarks and I move that we recede and concur.

The SPEAKER: The gentleman from Wayne, Mr. Ault, moves that the House recede and concur.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: This bill, number one, the reason it disturbs me is the fact that the Bureau of Environmental Protection went out and started licensing even when they did not have the authority to do so. This is just one other instance where the State of Maine, your agencies that we create, come in and override the legislation that we pass, they reinterpret the laws. They violate the laws that we

pass and they go their happy way, and then when they find that maybe they are in trouble, they come back and get a bill passed to give them the right for the violations they have already had.

The other reason I am concerned with this bill is the overriding the municipalities, we have it in now. We have it now in many agencies, not only as far as the DEP is concerned, but we have it as far as the Liquor Commission is concerned. A municipality can refuse to grant a permit for a liquor establishment in their community but still the state can come in and override that community. The community can refuse to issue a license or a permit for operation of an automobile junk yard, but still a state agency can come in and override that municipality.

Now, I think it is time that these small towns have some right and not have that right taken away by a bureaucracy here in Augusta.

Now, as far as problems, there is no one problem, as the gentleman Mr. Peterson said, one person having a problem with this bill. Yes, I have a problem with the bill today, but I can assure that many more of you in the future are going to have problems too if it passes the way it is.

Now, the gentleman from Windham, Mr. Peterson, says that the bill has been amended, they have done everything they can. Well, I would like to refer you to Senate Amendment (S-27) when it says that the community reviews this and they have to grant the permit, if it does not constitute a hazard to the health or safety of the residents of the municipality. I ask you people today one thing, what about the abutting landowners? There is nothing in this amendment that protects the abutting landowners.

Now, in my town of Skowhegan we do not charge, do not charge, for the dumping of septic waste in our municipal treatment plant. We spent \$4.8 million to construct the plant. The residents of Skowhegan can dispose of their waste free of charge in that plant, but the department is not happy there. They want to create additional dumping grounds. This is wrong. When a municipality has an accepted facility and they have gone out and built this facility at the cost of several million dollars for the benefit of cleaning up pollution, then I see no reason why these people should not have to use that facility and why any state agency should come in and override the municipal officers of a municipality.

The reason this bill has been tabled and tabled and retabled is because we were going to work on an amendment trying to get it in a little better position, but it seems that those in favor of giving DEP more power don't have the time. Now, I don't say that about the gentleman in this House that tabled the bill, the majority leader. He has been busy with his other business, and he would have gotten together with me had he had the time. I conferred with him again this morning, but he had so many items on his mind already that he just didn't seem to have the time, but this is not true in the other cases. The other cases are these people who want to give the power to DEP.

Personally, I don't want to give any more power to state agencies. I want the power to come back to the municipalities and let them solve their problems and let them at least review these applications on the 17 sites that have already been licensed in violation of the laws that we have already passed in this body.

I want the abutting landowners to have a

chance to come in and say what this dumping of the septic waste would do to them if it was dumped next door to them, and I am sure none of you people would want a septic disposal bed or a leaching field or a site next to your property or within a quarter of a mile of you. It is true in Maine that in the winter you don't have much problem with the smell, but in July and August Maine does get warm sometimes, and there are flies and there are smells. Now, just ask yourself, would I want this next door to me? In this case it is not next door to any property that I own, but it is next door to people. It can happen not only in my town but in your town or in any other town and today is the day to stop this.

If you don't want to go along with the motion to insist, and this would put the bill back with the Committee Amendment that is already on it plus the House amendment saying that in those municipalities that have already been approved that the municipality shall still have a right to review the application and take out these words hazard to the health or safety. How are you going to prove, how is anybody going to prove hazard to health and safety?

Now, again I would like to have you people think of the abutting landowner and think of the state coming and and overriding the municipality. I am sure that if this is going to continue that it won't be just a group of people down in one section of the state that has started their group of freedom riders but this is going to be freedom riders all across the State of Maine, because every session we take away the rights of these towns. And what gives us the right, really, to think that we are next to the All Mighty or even to think that we are the All Mighty and that we know what is good for the individual towns.

I say to you people today that the individual towns know what is good for them. I would hope that you would not go along with the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I wish that you would open up your L. D. Books. I am sorry we have gotten into this long, involved and I guess emotional issue. It shouldn't be. It is a clear-cut bill. Let's look at it reasonably and let's trace the history.

When this bill, L. D. 209, came before our committee, it did not provide for municipal review of these dumping sites. I believe it was at my personal request that municipal approval be required before DEP could license any of these sites. The bill as originally presented did not provide for municipal review in any way, and I ask the question, does this mean that you could license a site in controvention of the will of a community? And it was answered in the affirmative, and I said personally I do not like that provision. I think that municipalities should have a right because these are controversial issues and the Department of Environmental Protection does not need any more politics on its back than it has right now. So I said, let the municipalities decide whether or not in the first place they want one of these privately owned sites. We wouldn't be in this problem if the municipalities had complied with the law in the first place, which says "Each municipality in this state shall provide a

dumping site for this waste." The municipalities haven't been doing that, so it is necessary to license privately-owned sites, but those licenses will only be granted if the municipality approves within the constitutional framework of the — it can't make an arbitrary and capricious decision just like this legislature can't. We have to meet constitutional guidelines. Abutting landowners do have something to say about it, they certainly do. If a community finds that the existing site is a hazard to health or safety — and these are very loose terms — it is very easy to say that your site is a health hazard or safety hazard to the abutting landowners property. The burden then is placed on the community, on the person with the site to prove that it isn't a health hazard. He will have to go to court to reverse the municipality's decision, and at that time he will have to prove that it isn't a health or safety hazard.

We have provided for municipal review. We are not going to let any state agency run over the municipalities in this state. I as the House Chairman recognize that and included specific language which provided for municipal review, not only for future sites but for the 17 sites that have already been licensed. All that a community has to do is find an existing privately-owned licensed site constitutes a health or safety hazard and then the burden of proof is on the person who has that license to prove that it is not a health or safety hazard.

We have provided plenty of protection for municipal review, and I would hope that we would vote to recede and concur and enact this bill. This in no way takes away the powers of municipalities. In fact, it adds veto power of the municipality to this bill.

I am sorry we have taken so much time on this. If it is necessary and people don't understand it, please ask questions and we will try to answer them. We are not trying to pull a fast one on the municipalities. We have an open burning dump bill in our committee that we have spent working session after working session discussing because we realize the burden it imposes on small communities, and we don't want to be part of that burden. We don't want to overburden communities. We are doing our best to resolve these issues, but if we don't provide sites, then it is going to be more expensive for the constituents in your community to provide for the disposal of their waste. Right now they have to have them trucked out of the communities into communities that will receive them at much extra cost. So, this is essence is going to hopefully reduce the cost to the person who has to have his septic tank pumped out.

If the town of Skowhegan is providing for public disposal at no cost, then why in common sense would anybody pay to bring it to a privately licensed site where you have to pay an extra fee? It doesn't make any sense. If Skowhegan is providing it free of charge, I am sure everybody is beating a path to their plant. Who wants to pay extra? So, I don't understand the logic of that argument. I appreciate the gentleman's concern from Skowhegan; he is a friend in the truest sense, but I wish we could get this bill on its way.

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

Mr. DAM: Mr. Speaker and Members of the House: In response to the gentleman that has just spoken, I think that he has finally got it down to where I would have

liked to had it before I started my debate, but when he said that the law says that each municipality shall provide a site, this is true; the law says that. It is also true that in my town we have a pollution control plant. In the town of Madison or west of me about 12 miles, we have a plant there. We have a plant 18 miles north of there in Bingham or 20 miles, a pollution control plant. All I am saying today is that for those towns that have a pollution control plant and they have dumping facilities, why should the DEP come in and license an additional site?

Now, as far as the gentleman from Windham, Mr. Peterson, saying he can't see why the people wouldn't go to the site, in the first place septic tank effluent can't be carried in buckets, it must be pumped with a pump and a truck. Every homeowner does not have a truck; there aren't that many pumpers. There are two pumpers in my area. One pumps and discharges at the plant. The other gentleman does not see fit to discharge at the plant. He has a private licensed site by DEP. He charges a dumping fee of anywhere from \$20 and \$50 for people dumping at this site. This is what is wrong. My municipality has no charge for the inhabitants of my town. If they were to come from another town and dump in our plant, of course we are going to charge, because it cost us money to operate the plant. For those people living in my community there is no charge for dumping, so there is no need for DEP to license another site. What they have done in one municipality now they will be doing in others later, and this is why I stand here today to debate this bill.

If there is so much concern by the Natural Resources Committee, why wasn't their language put in the amendment saying that if a municipality provides a sewerage disposal site that is acceptable to the DEP and charges no fee for dumping of septic effluent, then the DEP will not license another site. And that is just as simple as it can be, it can't be anymore simple, but they don't see fit to do this.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I really apologize for belaboring this item today. This is my bill and I would like to give you a little brief history of why this bill was put in, the original bill and what the amendments mean.

Two years ago, I put a bill into the legislature to deal with a problem of disposal of septic tank waste. At that particular point, there was nothing in the state that regulated these wastes and there was a great deal of controversy in the communities about septic tank pumpers and where they put their waste. The pumpers themselves supported this bill and what the bill basically did was to provide for a state inspection of these sites and state certification of these sites through the Department of Environmental Protection. The bill was passed and became law.

An Attorney General ruled that what the actual intent of the bill was that there could only be one site in a municipality and that the municipality would have to establish a site. What has happened is that many municipalities have not established any sites and so, therefore, there is no place for the pumper to put their effluent within a municipality and there is no penalty provision because there was none intended in my original law and therefore

there has been no pressure to put on a municipality to establish these sites.

So, the department approached me and asked me if I would put in a bill that would allow them to license privately owned sites within municipalities; I agreed to do that. I don't think there is any quarrel over that aspect of the bill. However, the question was raised as to what the role of the municipality would be. Would they be able to have veto power within an area? This was taken care of with a committee amendment. It did give the municipality veto power over any future sites that might be established within their community.

What we are quarreling about today is the fact that in this interim period, the DEP went ahead and licensed some 17 sites.

This is what is bothering the gentleman from Skowhegan, that he apparently had a site licensed within his own community which went against the wishes of the municipality and against the fact that they had a treatment plant where the effluent could be dumped for nothing. He asked if he could put an amendment on and I agreed with his original amendment and supported it. That amendment was put on in the House. It went to the Senate, the amendment was changed. That is what we are fighting about today. I am in an awkward position, because I can basically live with either amendment. I think the gentleman from Skowhegan has a point and the gentleman from South Windham has a point. That doesn't help you very much, but I wanted to give you at least a rundown of the history of what has happened here.

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

Mr. CAREY: Mr. Speaker, I would move that this be tabled for one day.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that this matter be tabled for one legislative day pending the motion of Mr. Ault of Wayne to recede and concur. All in favor of tabling one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now is on the motion of the gentleman from Wayne, Mr. Ault, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

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

Bill "An Act to Permit Use of State Docking Facilities in Casco Bay" (H. P. 1051) (Committee on Reference of Bills suggested Committee on Transportation)

Tabled — March 21, by Mrs. Najarian of Portland.

Pending — Reference.

On motion of Mrs. Najarian of Portland, referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

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

Joint Order, Relative to Adding 7-E to Joint Rules. (H. P. 1043)

Tabled — March 21, by Mr. Rolde of York.

Pending — Passage.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This order that is before us today to change the Joint Rules no doubt has a laudable intent. However, it has given me an uneasy feeling.

As I understand it at present, if someone wanted to know what was in our files at the Legislative Research Office, they could ask us and we could get the file and show them what they wanted to see. It would be up to us. But under this proposed rule change, we would have no control over it once the bill was given a House paper number.

This brings up some complicating factors and a number of questions have occurred to me that I now pose, not to anyone in particular, but more in the manner of wondering aloud. What would happen under this new proposed rule change if someone were to remove a document from this file? If he did it before his bill received a House paper number, would this be all right? If he did it afterward, would this be a theft of a public paper? Would there be penalties? What if in order to ascertain whatever information the searcher through the files was seeking it was determined that other working papers had not been included in the file? Could they be subpoenaed? In this regard, I remember that during the last session we had quite a controversy over a bill to protect the working papers of newspaper men from seizure, and if I remember correctly, the assistant minority leader was a strong supporter of this measure.

How far would this new rule change have to go in order to accomplish its purpose? What possibilities might there be here for partisan mischief? What guidelines would be put on the use of this information?

There may well be answers forthcoming to these questions, but it seems that the present system has worked well and that to open these files up to all sorts of fishing expeditions may cause a good deal of difficulty.

I think we have all prided ourselves on the fact that our Legislative Research Office has worked, under both Sam and Dave, on a scrupulously nonpartisan basis, and we all have complete confidence in that office. Were anything to happen because someone went into a file and then used this information in a partisan fashion, it seems to me that our confidence might then be undeservedly tarnished.

I believe there are some real dangers here in opening this thing up, as well as a great many ramifications that we haven't explored, including whether we would next have to pass legislation to deal with some of the questions that I raised earlier.

We have lived with the system that we have for some time, and I believe it is a good system. Personally, if the good gentleman from South Portland wishes to examine the contents of my file, I would be happy to give him my permission, but I don't feel that I can vote to let him into everyone else's file without their permission. Therefore, I move for the indefinite postponement of this order.

The SPEAKER: The gentleman from York, Mr. Rolde, moves the indefinite postponement of this Joint Order.

The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good gentleman from the other corner and thanking him for indicating that I may go through his file any time, I would say likewise. He is entitled to go into my file anytime, as well as any other members of the legislature here. I might even include the general public, because as far as I am concerned, there is nothing down there that I am afraid of in letting anybody see, and I haven't removed anything from my file, which is something I am entitled to do.

I quite inadvertently learned, even though I was here one previous session, that these files are confidential. My first reaction was that this must be just a plain oversight that nobody really knew about. I subsequently learned by inquiry to various members of the legislature that they were aware of it, in fact, supported the confidentiality nature of the particular matters down there.

There were certain questions that were raised concerning how, when or where, or the fact that possibly I or you as a legislator might not particularly like a given piece of material that was down there being worked upon and subsequently we decide not to introduce a particular bill. Therefore, I tempered the particular order, and as you may recall, it states that the confidentiality is removed once the bill has been signed by the sponsor and dropped in the hopper and given a number. At that particular point, it no longer remains confidential.

Again, in respect to my amazement that it was confidential at all, I might say that I felt because it was a public body, the Legislative Research Office was a public body supported by the citizens' money, the State of Maine citizens, that is, expending for the year '73-'75, the biennium, approximately, or close to a quarter of a million dollars, that they should be entitled to look at these files or look at any matters as far as that is concerned that pertains to legislation.

I, frankly, checked with some of the people in the legislature as to why they felt it should remain confidential, and they said to me in return, why shouldn't it remain confidential? I said that that is like suggesting that we must prove something wrong in order to remove the cloak of secrecy in any respect. And I am reminded of a once famous man, perhaps now rather infamous man, who likewise suggested that his tapes were confidential as private matter and they were constantly looked upon as being a matter of public concern and, therefore, the public chose to sort of take that scene and therefore they did, in fact, uncover, unfortunately, some distasteful matter.

I don't think, frankly, there there is any material down there that would suggest that anybody has done anything wrong. I really believe that. But again, I just don't understand why, if there is something there, the question of confidentiality has to even come into play.

With that, I would only hope, while I understand and as my children say, I am getting the vibes, so I am quite aware of just where this may be heading, I would like to say that I would only hope that you would check your own conscience and not support the motion to indefinitely postpone.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have had some doubts about this, but I do support the

motion for indefinite postponement. From what I have been hearing here and out in the corridor, I am finding some information that is rather disturbing to me, the fact that the attorneys are doing things at the request of some of the lobbyists out there, and they have had some difficulty in getting information from files. Therefore, I think we ought to ardently support the indefinite postponement and stop this leakage of information going from our private files.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion for indefinite postponement for the simple reason that I think this is the first opportunity we have really had to vote on the issue which I think is pervading not only the state but the country, that is openness in government.

I guess I would like to liken this order and what it is trying to do in opening up the working papers behind L.D.'s to the executive sessions which we have now changed to work sessions.

The reason for executive sessions, or at least the rationale for keeping them, was simply that you could see how people voted because there was a report out of that committee and you didn't have to know what went into it. We decided, at least in this session, that these ought to be work sessions and they ought to be open to the public. The reason is because we felt that people ought to know what goes into a decision as well as what that ultimate decision is.

I would suggest that this order does the same thing for L.D.'s. We can all read and L.D., but a lot of times there is a lot more behind the L.D. than perhaps anyone realizes. Knowing perhaps what the source of the L.D. was or some of the redrafts of that L.D. might give somebody better insight into exactly what is meant by the bill.

In conclusion, let me just say that in response to the majority leader in the other corner, who said we have lived with this confidentiality for a long time, well, we have lived with closed executive sessions for a long time, but we saw fit to open them up this session. I think we should do the same thing today with the L.D.'s. Therefore, I hope you all vote against the motion to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, that this Joint Order be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Perkins of South Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Chair recognizes the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker, I would like to pose a question to anyone who might answer. I haven't even been aware of the fact that I have a file down there,

although I guess that is what happens with all the things I have been introducing or whatever. I would like to ask someone, if someone wrote me a letter, a very personal letter that had various points made and that really affected their personal life in some way and also included in that a request to draft a bill to accomplish something and I forwarded that letter asking that that bill be drafted to accomplish that purpose, would that mean that every other member of this House would have the right to come in and look at that personal communication?

The SPEAKER: The gentleman from Bangor, Mr. Henderson, poses a question through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, in answer to the question, as I understand it, any material down there may be removed by any of us who are legislators. Consequently, if there were a very personal letter that one did not wish to have anyone see, that could be removed at any time prior to the signing of the document as well as afterwards.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: Just briefly, it seems to me that if the intention of this is to get at the background of pending legislation, then obviously anyone who didn't want the background known could withdraw those papers in that very same fashion across the board. It would seem the intention, therefore, would be defeated. So it doesn't seem that it offers much of an alternative, and as far as I am concerned, anybody who wants to look can look at mine.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from York, Mr. Rolde, that this Joint Order, House Paper 1043, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Binnette, Blodgett, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Doak, Dow, Drigotas, Dudley, Faucher, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, LaPointe, Leonard, Lewin, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, Mills, Mitchell, Morin, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Snow, Spencer, Talbot, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Wilfong, Winship, The Speaker.

NAY — Ault, Bagley, Bowie, Byers, Churchill, Conners, Curtis, Durgin, Dyer, Farnham, Fenlason, Finemore, Garsoe, Gould, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Lewis, Lovell, Lunt, MacLeod, McKernan, Miskavage, Morton, Palmer, Perkins, S.; Perkins, T.; Pierce, Shute, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Torrey, Wagner.

ABSENT — Birt, Farley, Greenlaw, Kelley, Laffin, Laverty, LeBlanc, Littlefield, Lizotte, Mackel, McMahon, Norris, Quinn, Silverman, Smith, Webber. Yes, 92; No, 43; Absent, 16.

The SPEAKER: Ninety-two having voted in the affirmative and forty-three in the negative, with sixteen being absent, the motion does prevail.

The following paper from the Senate was taken up out of order by unanimous consent:

The following Joint Resolution: (S. P. 407)

Joint Resolution Memorializing
The U.S. Secretary of Labor to
Deny Prime Sponsorship
To Maine Counties

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Seventh Legislative Session now assembled, most respectfully present and petition the Honorable Secretary of the United States Department of Labor as follows:

WHEREAS, the State of Maine is presently the prime sponsor under the Comprehensive Employment and Training Act of 1973, as amended, an Act which provides and encourages employment training and jobs for the unemployed and for the underemployed; and

WHEREAS, seven of Maine's counties have applied to the Department of Labor to become sponsors in their own right under the Comprehensive Employment and Training Act; and

WHEREAS, if any one of these counties were to become prime sponsors the result would be a wasteful duplication of administration under the Act and would result in a reduction of moneys available to the citizens of the counties under the Act; now, therefore, be it

RESOLVED: That We, your Memorialists, hereby respectfully recommend and urge that the Department of Labor deny prime sponsorship to any Maine county making application in its own right and urge them to cooperate with the State to conserve needed funds and effort to help Maine's unemployed and underemployed; and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the Honorable Secretary of the United States Department of Labor and to the Members of the United States Congress from the State of Maine.

Came from the Senate read and adopted. In the House, the Resolution was read.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would like to explain the reason behind this resolution a little bit if I might. This resolution affects, mainly, the counties of Cumberland and Penobscot, because they are the only two counties in Maine that meet the population requirements to be named prime sponsors. Keep in mind that Cumberland County and Penobscot have not yet been named prime sponsors, but the decision is expected to be made by federal officials as early as tomorrow.

The reason it would be undesirable to have these counties named to be prime sponsors is because both Penobscot and Cumberland Counties would actually receive less money for jobs than they

would receive if the state remained the sole prime sponsor. Specifically, with the Governor, Cumberland County would receive \$1,961,000, but under Cumberland County, if they were to have the sponsorship, we would receive only \$1,238,000, and in addition, the administrative costs for the program would have to come out of these county allocations. So the money lost for jobs would be even greater. The same is true of Penobscot. If the state remains prime sponsor, they would receive \$845,000, but if the county were to be named prime sponsor, Penobscot would only receive \$791,000, and you would have to subtract administrative costs from that, so the total amount would be even less.

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

Mr. KELLEHER: Mr. Speaker, I would like to have the yeas and nays on this.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to join in with the assistant minority leader and would point out to you —

The SPEAKER: The Chair would inform the gentleman that this is the majority floor leader.

Mr. FARNHAM: Mr. Speaker, I would inform the Speaker that when you get to be 65 you live in the past quite a bit.

I would like to back the assistant majority leader in her statement, and I would point out to you, ladies and gentlemen, that we have static throughout the state employment offices where all of the unemployed, or 99 percent of the unemployed are already registered where complete applications are on file with all of their skills and their potentials, and it is for these offices that the unemployed go to collect their unemployment checks. So if there is any organization in the State of Maine that needs a job and should have a job, it is the state employment offices. If we turn this over to the counties, they have got to go through the same rigamarole that the employment offices go through, fill out applications and get their pedigrees and what not, and it is just a big added, additional administrative expense, and everything you put into the administrative expense means one of two less jobs for people who really need jobs.

I certainly hope you go along and pass this order.

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

Mr. TIERNEY: Mr. Speaker, I would pose a parliamentary inquiry. What is the motion before the House?

The SPEAKER: The pending motion is the adoption of this Joint Resolution. 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 those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is the adoption of this Joint Resolution in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Boudreau, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko,

Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Doak, Dow Drigotas, Dudley, Durgin, Dyer, Farnham, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Hall, Hennessey, Higgins, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kennedy, Laffin, LaPointe, Leonard, Lewin, Lewis, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Mitchell, Morton, Mulhern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Snow, Snowe, Spencer, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Conners, Cote, Dam, Finemore, Henderson, Hewes, Hunter, Jalbert, Kelleher, Lovell, Peterson, P.; Usher.

ABSENT — Birt, Blodgett, Bowie, Farley, Gould, Greenlaw, Kelley, Laverty, LeBlanc, Littlefield, Lizotte, McMahon, Morin, Norris, Perkins, S.; Quinn, Silverman, Smith, Sprowl, Webber.

Yes, 118; No, 13; Absent, 20.

The SPEAKER: One hundred eighteen having voted in the affirmative and thirteen in the negative, with twenty being absent, the motion does prevail.

On motion of Mr. Pelosi of Portland, the House reconsidered its action whereby Bill "An Act to Redefine the Political Activity Rights of Classified Employees of the State," House Paper 1093, was referred to the Committee on Human Resources.

On further motion of the same gentleman, referred to the Committee on State Government, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Palmer of Nobleboro, Adjourned until nine-thirty tomorrow morning.