

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

Friday, May 2, 1975

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

Prayer by the Rev. Bertram F. Wentworth of Mechanic Falls.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought Not to Pass**

Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act Relating to Proximity of Stores to Churches and Schools under the Liquor Laws" (S.P. 459) (L. D. 1505)

Was placed in the Legislative Files without further action pursuant to Joint Rule 17-A, in concurrence.

Leave to Withdraw

Committee on Liquor Control reporting Leave to Withdraw on Bill "An Act to Adjust Liquor License Fees" (S. P. 420) (L. D. 1376)

Came from the Senate with the Report read and accepted.

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

Non-Concurrent Matter

Bill "An Act Relating to Hunting Bear with Dogs" (S. P. 311) (L. D. 1059) on which the Majority "Ought Not to Pass" Report of the Committee on Fisheries and Wildlife was read and accepted in the House on April 30.

Came from the Senate with the Body having insisted on its former action whereby the Minority "Ought to Pass" Report of the Committee on Fisheries and Wildlife was read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mr. FARNHAM: Mr. Speaker, I move that we recede and concur and would speak briefly to my motion.

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

The gentleman may proceed.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: This is a very simple bill with a very high motive. A number of years ago, bears got scarce down in North Carolina and Alabama, and it was traditional down in that country to hunt bear with dogs. Well, the bears got scarce, so what we had in the spring of the year was truckloads of hunters coming up from Alabama, Georgia, South Carolina, with 40 or 50 dogs in the truck. They would then find out where bear were and the dogs would run the bear down, run him to death, run him up a tree after a ten mile chase, and then the sportsmen would shoot him out of the tree with a 30.06 or some other rifle. This got to be quite a nuisance in rural Maine in that when you run 40 or 50 dogs through the cattle that are out in the pasture, you kind of raise a little bit of pandemonium. So the legislature, in its infinite wisdom a few years ago, cut the number of dogs that could be used chasing bear down to 10. Ten is too many still to run through a flock of sheep or a herd of cattle, and this bill proposes to cut the number of dogs down to four.

Now, it is necessary, if you have these

dogs, to train them, you let one or two of the untrained dogs run along with the dogs that are trained so they learn their profession.

One other minor change in this bill is this. At the present time, you can start running your dogs chasing the bear all over kingdom come on the first day of June. In northern Maine and north central Maine, this is the time of the year when many deer are dropping their fawn or they have already been dropped, they are very very small, not too stable on their feet, and it kind of disturbs them quite a bit when a bunch of dogs come racing through the woods. It is also the time when partridge are nesting and other birds are nesting, other game are having their young, and this bill would make this change, that they could not run through the woods with their dogs until August 1. By that time, our fawn, although they are still spotted, they have got a good set of legs under them and they can probably outrun the dogs.

Now they will tell you that these dogs are thoroughly trained and they will never chase a deer or a rabbit or anything else. That is partially true. Most dogs are well trained, but there is always the maverick in any pack of dogs, and he will go after anything he gets a scent of or gets sight of.

Another thing you may be told is that these fellows get permission from the landowners before they go across his land with the dogs. Well, you can start chasing a bear out here on the outskirts of Manchester or Augusta, and you might land down in Leeds before you catch up with that dog, and you haven't gotten permission from all the people between Augusta and Leeds to go over their land and disturb their cattle and sheep.

For these reasons, I sincerely hope you go along and recede and concur with the other body.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker and Members of the House: I am kind of perturbed. I didn't pay much attention to this bill until this morning and got this sheet of paper put on my desk, and believe me, I have a few words to say to some hunters.

Not being acquainted with methods of hunting, I find this one of the most cruel things that I have ever heard of. On my part, I wish this way of hunting was abolished, period. I can't believe that we have human beings calling themselves sportsmen acting worse than the wild animals they hunt, and I hope you will go along with Mr. Farnham.

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

Mr. MILLS: Mr. Speaker, Ladies, and Gentlemen of the House: We seem to be stirring up quite a lot of flak over this bill this time around. We had it here in the House before two years ago. Representative Farnham was right when he said 60 or 70 dogs in a pack. They were being brought up from the south. The millionaire dudes down there were coming into Maine indiscriminately, and on their way through the different states they picked up hounds of any description for anywhere from two bucks to five. We were getting a lot of complaints in committee from what was going on in our rural areas and none of the areas reported the loss of any cattle, any sheep or any horses or anything else of that nature. Most of those animals are fenced in.

As far as the dogs that were brought here

were concerned, we had over 300 people come down to the hearing two years ago in regards to this same matter, and they were telling us about these people who were arriving with these big packs of dogs. A game warden reported it to be true. Therefore, under the action we took two years ago, we made it impossible for them to bring these big packs of dogs in here because what they would do is work them in Maine and those dogs that were any good, they would take and travel south again selling these dogs off from anywhers from \$500 to \$1,000. So you see, it was kind of a lucrative business for them to operate in that manner and travel unmolested from state to state.

Now when we get down to what we have got here today, it still kicks back to two years ago, because in the committee we set up rules and regulations, they have got to have a kennel license, they have got to have veterinary certificates of examination, they have got to be immunized and everything else that could be done to control the importation of these dogs into the state, so they would have a health certificate of some degree or another. Since then, they have eliminated coming with the big packs.

We have eight or ten professional bear hunters here in the State of Maine who make their living by catering to the dudes who come into the state. This is a business that runs a little over a million dollars, and that is what we are really dealing with here, we are dealing with a business. Whether you like it, approve of it or don't, you are dealing with a business, and there is no question but what we have got to consider the amount of taxes that these professional bear hunters are paying. They pay their real estate tax, they pay their land tax, they pay their truck taxes; they pay for each and every dog. They pay the veterinary, they were a self-sustaining business. There is no question in my mind but this is something that has to be looked at very carefully and on a business basis only, not on an emotional basis, as has been prepared here on the sheet before us.

As far as this little bill is concerned on changing the thing down to August the first, well, I used to go in the woods quite often and I never found any of these things that have been described here this morning occurring in the woods. The fawns are dropped in February.

As far as the unlawful hunting of any person hunting together to use more than ten dogs, they crossed that out to make it four dogs. Well, what does this really mean? It means that the professional bear hunter who has a truck equipped with a little cage on the side of the truck, which is his prime dog and what he calls his strike dog, they travel the backwoods roads very slowly, and that dog's nose is very sensitive. He will pick up the scene of a bear, and he jumps down off that cage and he starts working around until he has struck the trail of that bear. Then there are four more dogs that are in the truck, and these are almost what you would call professional dogs. They are pretty well trained. They strike out with the lead dog, and when they have gone some distance, the professional bear hunter then lets the four or five pups he may have with him strike out too to train those dogs.

All of those people have testified before committee under oath that they do not keep a dog that they can't control. These dogs are worth something to them. The prices range from two to four thousand dollars on these dogs. When you have a

professional hunter who is investing that much money into a group of hounds to track down bear, what do you think that means to the state on the economy? When you get up into the figures of operating at eighty or a hundred thousand dollars a year to operate one of these camps, you are spreading a lot of dough around that area. You are also catering to bringing in the people that we have advertised for for years out of this state. There is no question that this thing should be passed in the form we are requested to do here today. We are destroying a part of the economy of the State of Maine.

Mr. SPEAKER, I move the indefinite postponement of this bill and all the accompanying papers.

The SPEAKER: The Chair would advise the gentleman that the motion is not in order.

Mr. MILLS: Mr. Speaker, I ask for a division on the motion to recede and concur.

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

Mr. CARPENTER: Mr. Speaker and Members of the House: I rise this morning to support the position of the gentleman from Hampden, Mr. Farnham. I realize, as the gentleman from Eastport, Mr. Mills, has said, this is a business, it is a part of a business. I am fully aware that if this bill should pass in its present form that I am probably putting one of my constituents out of business. I will give you a real brief history as to why.

There is an organization and people in my area who use this law as it now stands. When they get the bear up a tree finally, they don't shoot it, they capture it, they take it back to their place and put it in a cage and wait for the sportsmen from outside of the State of Maine to come along and decide they want a bear. They shoot the bear in the cage and take him back to wherever they come from and tell their stories about what good sportsmen they are. I hope you will vote to recede and concur.

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

Mr. MAC EACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This is another bang-bang bill; I think we should get rid of it. I would like the committee report read please.

Thereupon, the Report was read by the Clerk.

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 correct a little error that the gentleman from Eastport, Mr. Mills, made. Anyone who has ever hunted or fished or been in the woods during the spring of the year, he knows that the lambs are dropped generally between May 15 and June 15. If they were dropped in February in the snow, there would be none of them surviving.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct my good friend Mr. Carpenter on this law of caging the bear and then having them shot. This was outlawed several years ago; it was taken care of through the legislature. I know, because we went through this.

I would also like to point out — evidently

whoever put this across the desk was a non-hunter — I found out this morning in some areas they do use bait and they run their dogs; that is to keep the bear within the area, I understand. It also says here we chase them with half starved dogs. When a man will pay up to \$1,300, \$1,400 or \$1,500 for a dog, he isn't apt to let it go without food and without good care.

If we drop this bill down to four dogs from the present, we might possibly get away with eight, but if you drop this below the figure of eight — their training dogs while they are running, they also have at least two dogs within the pack that are trained to hold that bear in the tree or hold that bear until the hunters get up there to shoot the bear.

As far as cruelty goes, I see no more cruelty in hunting bear this way than I do of hunting deer or any other animal.

They still, in some areas, allow hunting bear with dogs. There are two or three areas in North Carolina where they still allow this, and this is a conservation measure so as to keep up the population of the bear in the State of North Carolina.

They bring up a number of dogs when they come so that they will have — they run a pack one day on a bear or two bear, then the following day they have a new pack of dogs that they can take out. Their dogs are well taken care of and they are controlled. Sure, they lose a dog once in a while and then this dog is picked up.

Down through my area we have no hunting of bear until after the blueberry season. But if we do not continue to hunt bear in all the ways possible, you are going to pay out more hundreds and hundreds of dollars through this legislature, same as we have this year on bear damage to beehives and damage to sheep and cattle. Just one blueberry grower alone, we have authorized through this body \$1,600 for bear damage to beehives. The more restrictions we put on the bear hunting, the more money that is going to be paid out by the state. I hope that you oppose this recede and concur motion.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I do hope that you will oppose this motion to recede and concur. I happen to come from an area where there are a lot of bear, where they are a menace. The people that I represent are having a hard time to raise grain now such as oats; they destroy the orchards; they are in here with damages. We didn't pay damages until we started protecting the bear. This seems to be an orderly fashion to harvest some.

Take in mind that the committee that made this report was quite unanimous that this bill shouldn't pass and we shouldn't recede and concur. They heard all the evidence from both sides.

I do hope that you do not recede and concur so that we can finally adhere to our former action in this body, because this is close to my area and we have taken a lot away from these people and it is part of their livelihood. We refused to pay a bobcat bounty; this was part of their livelihood. We limited how much muskrat they could catch, only a little bit in the month of April, part of the month of April. Now they can't trap again until November, that is just for the month of November, that is mink. No more trapping then until beaver trapping. So what we have done, we have narrowed up their scope of living, we aren't doing that to any other group of

people, we are not depriving them of their livelihood, and this is what you are doing to the people in my area when you continually pick away with things like this. You are taking away quite a few people's livelihood. I hope you see fit not to do it. Times are hard enough in the area now without doing anything to further hamper people earning a living in my area.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: One other thing that I didn't bring out on this, in the last two weeks of May and the first two weeks of June is when the does are having their lambs and your doe deer have their lambs down in the thickets along the streams. Any of you that have been in the woods just stop and ask yourself, where are the bear at this time of year. They are right in exactly the same place, so the bear themselves pick up a large number of our lamb deer just as fast as they are dropped. I hope that you will consider this too at the same time.

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

A vote of the House was taken.

Mr. MacEachern of Lincoln 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 Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would like to say this morning that I was brought up in the woods, was in the woods all my life, and I have learned more this morning here than I ever knew before in my life.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that the House recede and concur on Bill, "An Act Relating to Hunting Bear with Dogs," Senate Paper 311, L. D. 1059. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Berry, P. P.; Berube, Boudreau, Burns, Bustin, Call, Carpenter, Carroll, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curtis, Dam, Davies, Doak, Drigotas, Dyer, Farnham, Faucher, Finemore, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hewes, Higgins, Hughes, Immonen, Ingegneri, Jackson, Jensen, Kany, Kelleher, Kelley, Kennedy, LaPointe, Laverty, Leonard, Littlefield, Lovell, Martin, A.; McKernan, McMahan, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rollins, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Tierney, Truman, Twitchell, Wagner, Wilfong, The Speaker.

NAY — Albert, Bagley, Berry, G. W.; Birt, Bowie, Byers, Carey, Carter, Churchill, Connors, Cote, Curran, R.; DeVane, Dudley, Durgin, Fenlason, Fraser, Garsoe, Gould, Hennessey, Hunter, Hutchings, Joyce, Kauffman, Laffin, Lunt, Lynch, MacEachern, MacLeod, Mahany, Maxwell, McBreairty, Mills, Miskavage, Morin, Peterson, P.; Rideout, Rolde, Saunders, Shute, Theriault, Torrey, Tozier, Usher, Walker, Winship.

ABSENT — Bennett, Blodgett, Dow, Farley, Gray, Hall, Hinds, Hobbins, Jacques, Jalbert, LeBlanc, Lewin, Lewis, Lizotte, Mackel, Martin, R.; Strout, Tyndale, Webber.

Yes, 84; No, 47; Absent, 19.

The SPEAKER: Eighty-four having voted in the affirmative and forty-seven in the negative, with nineteen being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act Relating to Sales Tax Interest and Penalties" (H. P. 1550) (L. D. 1867) which was passed to be engrossed in the House on April 29.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I move that we insist and ask for a committee of conference and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House insist and ask for a Committee of Conference.

The Chair recognizes the same gentleman.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This bill was put into the legislature on behalf of the Taxation Division. It has had problems collecting certain sales tax accounts around the state and it has been many years since we have changed the interest rate and the penalties that are provided under the law so that in effect they have lost their effectiveness as a tool for collecting overdue sales taxes and considerable amounts are standing due. For instance, the interest rate provided for is a rate of one half percent per month, which is six percent a year and six percent these days, people just leave money lay in a situation like that rather than pay up.

I feel the bill is an extremely moderate approach. The half percent has gone to one percent, which is 12 percent interest on overdue accounts, which I think is a very moderate approach. I could give you some more of the details, but I hope that we can go into a committee of conference and save this so that the Taxation Division will have something better to work with to collect these accounts.

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

Mr. PETERSON: Mr. Speaker and Members of the House: I would request that the Clerk read the committee report.

Thereupon, the Report was read by the Clerk.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: As you can see, it was a lopsided report. I support the motion of the gentleman from Pittsfield, Mr. Susi.

I know I am not supposed to make references to the other body and I will not, but I noticed in reading this morning's newspaper that the movement to kill this bill was led by shopkeepers so I wonder if there is a conflict of interest somewhere in either one of these Houses on this particular piece of legislation. I do think it is a moderate proposal and fair to the people of Maine, and I would hope that we could keep our special private interests out of concern when we are dealing with an important matter such as this.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't rise because I have any interest, because I don't have any business, I am one of those unemployed legislators and have been since I have been down here in 1968, so I don't have any problem. I do want to correct the statement that the good gentleman from Pittsfield made, Mr. Susi, when he said it is 12 percent — it is not 12 percent, it is 16 percent interest, because we have 10 percent, 5 percent and a 1 percent clause and to me that adds up to 16 percent and it doesn't add up to 12 percent. The reason for signing the report the way I did was because I think that 16 percent is just a little bit too much penalty to put on some of these small businesses. I don't think it is right. I do believe, and I have no reason to doubt it, because they came before the committee and the Bureau of Taxation said they have got a problem. But I don't think that if any state agency has a problem that the answer to that problem is putting a burden on the people that run stores or run businesses. I think the problem with the agency should be straightened out by the agency. If they can't do their collecting in any better method than this, why maybe the next time around we will be wanting to put 32 percent interest on the shopkeepers and the businessmen of the state.

That was my reasons for signing it and if there is any conflict of anybody on this bill, I wish somebody would make me aware of it, because if it is a conflict that was pointed at me, being unemployed and having been unemployed for the last nine years, I enjoy my conflict.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I must rise to comment on the remarks of my good friend from the Taxation Committee, Mr. Dam. We frequently disagree on matters like this. He is giving one of the arguments that was given against the bill when we were discussing it, and this was, why couldn't the Taxation Department go out and get this money, why do we need a penalty? Well, the only way any department of government can go out and collect money is if they have a penalty supporting them. If there is no penalty when people do not pay them, the only thing they could do would be go out and collect it by brute force, which would be illegal unless authorized. So, I say that we need this penalty to assist the Taxation Department in making these collections.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: There has been an inference here that I made an intentional misrepresentation to you, and I would like to read the section that I looked up before I made the statement. "Any

person who shall fail to pay tax," and I am reading from the bill that is before us, "imposed by Chapters 211, 225 on or before the day when the same shall be required to be paid shall pay interest on said tax at the rate of" — and it was one half percent, and it has been struck out and it is one percent under the bill — "each month or fraction thereof that the same remains unpaid to be calculated from the date the tax was required to be paid." According to my arithmetic that is 12 percent a year.

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

The following paper was taken up out of order by unanimous consent.

The following Communication:

ANSWER OF THE JUSTICES

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

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit our answer to the question propounded on April 24, 1975.

QUESTION: Would the "excess assessment" provisions of Legislative Document 1452 (Exhibit A), if enacted into law, violate the provision of Article IX, Section 8, of the Maine Constitution, which requires that all taxes upon real and personal estate, assessed by authority of the State, be apportioned and assessed equally, according to the just value thereof?

ANSWER: We answer in the affirmative.

The question requires us to examine not only the purposes of the proposed legislation but also the means provided for fulfillment of the purposes.

Examination of L. D. 1452 makes it apparent the proposed bill is intended to effect changes in the present law which may be briefly summarized as follows:

1. It proposes to have the amount to be raised for education based upon actual past expenditures rather than upon future projections.
2. The "school tax" is renamed the "uniform school tax" and is redefined.
3. The impact minimization mechanism is redefined and named "excess assessment."

20 M.R.S.A. Section 3713 (3) (E) (7) contains an impact minimization feature by providing that the maximum school tax which is imposed upon any taxing unit cannot exceed an amount which requires a tax rate increase in excess of 2½ mills higher than that previously required to produce sufficient revenue to discharge the school tax obligation.

L. D. 1452 proposes to change the impact feature by use of a technique which is described therein as an "excess assessment."

The result intended to be obtained by the "excess assessment" feature is the avoidance of precipitous increases in local property tax rate. It is the "excess assessment" provisions, however, which require us to conclude that, if enacted, L. D. 1452 would violate Article IX, Section 8 of the Constitution of Maine.

The controlling reason that the "excess assessment" provisions of the proposed bill must be held to contravene said Article IX, Section 8 derives from the internal structure within which the bill has chosen to operate. It is calculated to provide the 50% "property tax share" ("of the total cost of

education for state appropriations") through a uniform school tax rate applied to all administrative units alike." (emphasis supplied) L. D. 1452, §13

Within precisely this framework, however, the proposed bill provides for an amount of "excess assessment" which, on the one hand, is excluded as "part of the uniform school tax levied under (proposed) section 451", but, on the other hand, is included (by Section 451) within the Commissioner's certification of the "total education costs" utilized to calculate the so-called "uniform school tax rate." Moreover, although thus labelled and utilized as an "education cost" affecting all the municipalities, the amount of "excess assessment" is in reality, by virtue of the provisions of proposed Section 453, an amount which is (1) not relevant to all of the municipalities of the State but only as

1 Said Section 451 directs that the Commissioner "... include twice such estimated total state-wide 'excess assessment' in his certification of total education costs. . ."

to some of them, and (2) as to those municipalities to which the "excess assessment" amount has relevance, the amount defrays at least part of the non-school "necessary expenses of local government."

By virtue of this exposition of the underlying structure within which the proposed bill has seen fit to be operative, it becomes plain that, regardless of the labels affixed, in its true substance the end-result of the tax rate computational process is a "school tax rate" effectively higher in some municipalities than in others.

This point becomes patently clear if — by adherence to strict logic and the consistency of identification requisite for the accuracy of arithmetical procedures — we identify the end-result of the arithmetical computation by language correctly reflecting the substance of the use of the "excess assessment" as an element in the arithmetical process.

Since the "excess assessment" in reality represents a non-educational cost amount² and relates only to some municipalities, this true feature of its use in the tax rate computation process should be reflected in the identification of the bottom-line resulting from the arithmetical procedure. When this appropriate nomenclature is applied the ostensible single "uniform school tax rate" upon the property of all municipalities is shown in its true character as: (1) one school tax rate for all those municipalities to which the amount of the excess assessment is inapplicable, and (2) a separate rate of school tax for those municipalities having an amount of excess assessment, this latter rate being effectively lower insofar as the amount of "excess assessment" available to those municipalities is to be utilized

2 That the "excess assessment" is the amount by which the current year's "uniform school tax" exceeds a 20% increase over the municipality's previous year's "uniform school tax", does not, because of the references to the "school tax", make the "excess assessment" amount a true educational cost.

for non-school municipal expenses.³

Thus, however well-intentioned, the "excess assessment" provisions of the proposed bill are a device which obscures the basic reality that the property tax rate

purporting to be a "uniform school tax rate" for all municipalities is effectively a higher rate in those municipalities which do not have the benefit of the amount of "excess assessment" for use in defraying the non-school "necessary expenses" of such municipalities.

Since the essential framework of the proposed bill has thus made its "excess assessment" provisions so integral a part of the tax assessment process and the calculation of the ultimate school tax rate, the "excess assessment" provisions cannot reasonably or fairly be looked upon as a legislative scheme for the "distribution" of tax revenues collected by the State which, under the authority of *Sawyer v. Gilmore*, 109 Me. 169, 83 A. 673 (1912), lies outside the scope of Article IX, Section 8 of the Constitution of Maine and is permitted to be unequal. Because the "excess assessment" is utilized as an element in the formula by which the school tax rate is computed, the tax assessment process is so directly affected that the requirements of Article IX, Section 8 of the Constitution of Maine become applicable.

The property tax rate resulting from the method in which the "excess assessment" is utilized in the calculation process effectively produces a "school tax rate" for particular municipalities higher than a "school tax rate" for other municipalities. In sum, the effect of the "excess assessment" provision is that a different rate of taxation for the purpose

3 This results from the provisions of proposed Section 453 that in a particular municipality which has the benefit of an "excess assessment" amount the Treasurer of said municipality shall apply such amount for non-school "necessary expenses of local government as determined or appropriated by the legislative body of such municipality. . ."

of raising money for public school education results in two classes of municipalities i.e., those which have, and those which have not, an "excess assessment." Such effective difference in the rate of tax assessed on the "full value" of property is constitutionally impermissible under the provisions of Article IX, Section 8 of the Constitution of Maine which expressly mandates that "(a)ll taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof; . . ."

Dated at Portland, Maine, this first day of May, 1975.

Signed: Respectfully submitted:

ARMAND A. DUFRESNE, JR.
RANDOLPH A. WEATHERBEE
CHARLES A. POMEROY
SIDNEY W. WERNICK
JAMES F. ARCHIBALD
THOMAS E. DELAHANTY

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

The following Bills were received and, upon recommendation of a majority of the Committee on Reference of Bills for introduction on the House Calendar, were referred to the following Committees:

Education

Bill "An Act Relating to the Borrowing Capacity of East Range II Community School District" (Emergency) (H. P. 1560) (Presented by Mr. Fenlason of Danforth) (Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Authorize the Commissioners of York County to Make Certain Payments from the Contingent Account" (H. P. 1561) (Presented by Mr. Farley of Biddeford) (Ordered Printed) Sent up for concurrence.

Liquor Control

Bill "An Act to Authorize the Town of St. George to Hold a Special Town Meeting in May, 1975, to Vote on Certain Local Option Questions Concerning the Sale of Liquor" (Emergency) (H. P. 1564) (Presented by Mrs. Post of Owls Head) (Ordered Printed) Sent up for concurrence.

Orders

On Motion of Mr. Albert of Limestone, it was

ORDERED, that Frederick B. Lunt of Presque Isle be excused May 9th, and the week of May 12th for Personal reasons.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1558)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Maurice Hilton of Pownal Recipient of the Leather Industries of America 15th Annual American Shoe Designers Award

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.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1559) (Cosponsor: Mr. Kennedy of Gray)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of David Zobel of Gray Winner of the 1975 Cumberland County Spelling Bee

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.

House Reports of Committees

Ought Not to Pass

Mr. Gray from the Committee on Local and County Government on Bill "An Act to Increase Salaries of County Officers of York County" (H. P. 1185) (L. D. 1483) reporting "Ought Not to Pass"

Mr. Twitchell from the Committee on Taxation on Bill "An Act Concerning Abatement of the Property Tax on Certain

Camps in the Unorganized Territory Owned by Persons 65 Years of Age or Older" (H. P. 1288) (L. D. 1572) reporting same.

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Reduce the Residence Requirement for Qualification for a Veteran's Tax Exemption on his Estate" (H. P. 1317) (L. D. 1634) reporting same.

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Exempt from the Sales Tax Sales to Private Transportation Companies of Buses used Primarily to Transport Pupils and of Parts for those Buses" (H. P. 1355) (L. D. 1657) reporting same.

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act Relating to Certain License Requirements for Class A Restaurants under the State Liquor Laws" (H. P. 859) (L. D. 1043) reporting same.

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act to Prohibit Certain Liquor Advertising Signs on the Premises of Retail Liquor Licensees" (H. P. 955) (L. D. 1194) reporting same.

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act to Require Licenses for Employees of Malt Liquor Wholesalers" (H. P. 1021) (L. D. 1300) reporting same.

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act Concerning the Time Period after the Last Permitted Sale of Liquor During which a Licensee May Permit the Consumption of Liquor on his Premises" (H. P. 1022) (L. D. 1301) reporting same.

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act to Make the Price of Liquor Sold to State Licensees Uniform Throughout the State" (H. P. 1109) (L. D. 1386) reporting same.

Were placed in the Legislative Files without further action pursuant to Joint Rule 17-A.

Leave to Withdraw

Mr. Gray from the Committee on Local and County Government on Bill "An Act to Authorize all Counties to Operate Solid Waste Collection and Disposal Systems" (H. P. 999) (L. D. 1270) reporting Leave to Withdraw

Mr. Mulkern from the Committee on Taxation on Bill "An Act to Exempt Sales of Gravestones from the Sales and Use Tax" (H. P. 795) (L. D. 968) reporting same.

Mr. Finemore from the Committee on Taxation on Bill "An Act to Exempt the Young Men's Christian Association and the Young Women's Christian Association from the Sales Tax" (H. P. 1320) (L. D. 1639) reporting same.

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Exempt Mobile Homes from the Sales Tax" (H. P. 1403) (L. D. 1696) reporting same.

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act to Allow On-premise Consumption of Wine in Restaurants on Sundays" (H. P. 1229) (L. D. 1536) reporting same.

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act to Require Licenses for Employees of Malt Liquor Wholesalers" (H. P. 1248) (L. D. 1753) reporting same.

Mr. Gauthier from the Committee on Judiciary on Bill "An Act Relating to the Municipal Issuance of Concealed Weapons Licenses" (H. P. 452) (L. D. 558) reporting same.

Mr. Blodgett from the Committee on

Marine Resources on Bill "An Act Establishing Classes of Lobster and Crab Fishing Licenses and Imposing a Trap Fee" (H. P. 1295) (L. D. 1595) reporting same.

Reports were read and accepted and sent up for concurrence.

Referred to Committee on Health and Institutional Services

Mr. Perkins from the Committee on Judiciary on Bill "An Act Revising the Pauper Laws" (H. P. 1172) (L. D. 1473) reporting that it be referred to the Committee on Health and Institutional Services

Report was read and accepted, the Bill referred to the Committee on Health and Institutional Services and sent up for concurrence.

Ought to Pass Printed Bill

Mr. Finemore from the Committee on Taxation on Bill "An Act to Exempt from the Sales Tax Sales of Goods and Services Essential for the Care and Maintenance of Seeing Eye Dogs" (H. P. 1423) (L. D. 1693) reporting "Ought to Pass"

Report was read and accepted, the Bill read once and assigned for second reading the next legislative day.

Consent Calendar First Day

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

Bill "An Act Relating to Ballots Containing Improper Write-in Votes" — Committee on Election Laws reporting "Ought to Pass" (S. P. 84) (L. D. 255)

Bill "An Act Relating to Fire Protection for Township 8, R. 4 and Township 10, R. 6" — Committee on Local and County Government reporting "Ought to Pass" (H. P. 885) (L. D. 1056)

Bill "An Act Relating to the Validity of Absentee Ballots" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-234) (H. P. 31) (L. D. 39)

Bill "An Act Relating to Personnel Classification and Functions of the Review and Evaluation and Fraud Investigation Division of the Department of Audit" — Committee on Performance Audit reporting "Ought to Pass" as amended by Committee Amendment "A" (H-235) (H. P. 1122) (L. D. 1409)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 5, under listing of the Second Day.

Consent Calendar Second Day

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

Bill "An Act Extending Eagle Lake Water and Sewer District to the Plantation of Wallagrass" (H. P. 1153) (L. D. 1447)

Bill "An Act to Extend the Territory Limits of the Hallowell Water District" (H. P. 1311) (L. D. 1589)

Bill "An Act Authorizing the Use of Facsimile Signature on Certain Documents by the Secretary of State" (H. P. 1270) (L. D. 1570)

Bill "An Act Creating the Advisory Committee on State Telecommunications" (H. P. 1443) (L. D. 1744)

Bill "An Act to Correct Technical Errors in Laws Relating to Marine Resources" (C. "A" H-229) (H. P. 1338) (L. D. 1624)

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

Passed to Be Engrossed

Bill "An Act Relating to Compensation of Fulltime Deputies in All Counties" (Emergency) (H. P. 1556) (L. D. 1869)

Bill "An Act to Restrict Liquor Control Commission Records of Liquor Violations to Violations which are Less than 5 Years Old" (H. P. 981) (L. D. 1244)

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

Second Reader Tabled and Assigned

Bill "An Act Allowing A Bureau Chief in the Department of Business Regulation to Serve Simultaneously as the Commissioner" (Emergency) (H. P. 1042) (L. D. 1333)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Rolde of York, tabled pending passage to be engrossed and specially assigned for Tuesday, May 6.)

Bill "An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine" (H. P. 1128) (L. D. 1404)

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

Second Reader Tabled and Assigned

Bill "An Act to Permit Payment of Fines by Offers in Compromise from Beer and Wine Wholesale Licensees and Holders of Certificates of Approval in Lieu of Suspension" (H. P. 1072) (L. D. 1352)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Pierce of Waterville, tabled pending passage to be engrossed and specially assigned for Tuesday, May 7.)

Second Reader Tabled and Assigned

Bill "An Act Relating to Access to Written Records Concerning Elementary and Secondary School Pupils" (H. P. 975) (L. D. 1269)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Lynch of Livermore Falls, tabled pending passage to be engrossed and specially assigned for Tuesday, May 7.)

Amended Bill

Bill "An Act Declaring the Lewiston-Auburn Water Pollution Control Authority to be a Quasi-Municipal Corporation" (Emergency) (S. P. 316) (L. D. 1093) (S. "A" S-105)

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

Passed to Be Enacted

An Act Creating the Dickey-Lincoln Power Authority (S. P. 189) (L. D. 662)

Was reported by the Committee on

Engrossed Bills as truly and strictly engrossed.

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

Mr. LaPOINTE: Mr. Speaker, I move that this lie on the table for two legislative days.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that this matter be tabled for two legislative days. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Bustin of Augusta requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All 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 Portland, Mr. LaPointe, that this matter be tabled pending passage to be enacted and specially assigned for Tuesday, May 7. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Berry, G. W.; Berube, Birt, Byers, Connors, Connolly, Curtis, Davies, Doak, Farnham, Fraser, Gauthier, Goodwin, H.; Gould, Henderson, Hewes, Higgins, Hughes, Hunter, Hutchings, Immonen, Jackson, Kelleher, Kennedy, LaPointe, Laverty, Littlefield, Lynch, MacEachern, Mackel, MacLeod, Morin, Mulkern, Norris, Palmer, Perkins, S.; Peterson, T.; Rollins, Saunders, Shute, Snow, Snowe, Spencer, Sprowl, Susi, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Twitchell, Walker, Wilfong.

NAY — Albert, Ault, Bennett, Berry, P. P.; Blodgett, Burns, Bustin, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, DeVane, Drigotas, Dudley, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, K.; Greenlaw, Hall, Hennessey, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelley, Laffin, LeBlanc, Leonard, Lovell, Lunt, Mahany, Martin, A.; Maxwell, McBreairty, McMahan, Miskavage, Mitchell, Morton, Nadeau, Najarian, Peakes, Pelosi, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Silverman, Smith, Stubbs, Theriault, Truman, Usher, Winship, The Speaker.

ABSENT — Boudreau, Bowie, Carroll, Dow, Gray, Hinds, Hobbins, Lewin, Lewis, Lizotte, Martin, R.; McKernan, Mills, Strout, Tyndale, Wagner, Webber.

Yes, 56; No, 77; Absent, 17.

The SPEAKER: Fifty-six having voted in the affirmative and seventy-seven in the negative, with seventeen being absent, the motion does not prevail.

Thereupon, Mr. LaPointe of Portland requested a roll call vote on passage to be enacted.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All 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 passage to be enacted. All those in favor of this bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bagley, Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, DeVane, Drigotas, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hennessey, Hughes, Ingegneri, Jacques, Jalbert, Joyce, Kany, Kauffman, Kennedy, Laffin, LeBlanc, Leonard, Lovell, Lunt, MacEachern, Mahany, Martin, A.; Maxwell, McBreairty, Miskavage, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Peterson, P.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Silverman, Smith, Snow, Susi, Theriault, Tozier, Truman, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Ault, Bachrach, Berry, G. W.; Birt, Burns, Byers, Call, Connors, Connolly, Curtis, Davies, Doak, Dudley, Durgin, Dyer, Farnham, Gauthier, Gould, Gray, Henderson, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Kelleher, Kelley, LaPointe, Laverty, Lewin, Littlefield, Lynch, Mackel, MacLeod, McKernan, McMahan, Mitchell, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, T.; Post, Rollins, Shute, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Tierney, Torrey, Twitchell.

ABSENT — Bennett, Bowie, Dow, Hinds, Hobbins, Jensen, Lewis, Lizotte, Martin, R.; Mills, Strout, Tyndale, Webber.

Yes, 81; No, 56; Absent, 13.

The SPEAKER: Eighty-one having voted in the affirmative and 56 having voted in the negative, with thirteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

An Act Relating to Cruelty to Animals (S. P. 261) (L. D. 858)

An Act Prohibiting County Commissioners, Municipal Officers and School Directors from Appointing Themselves to Certain Offices (S. P. 497) (L. D. 1844)

An Act to Facilitate the Incorporation of New Towns (S. P. 500) (L. D. 1846)

An Act Relating to the Shipment of Dogs and Cats and Prohibiting the Use of Dogs or Cats in Commercial Promotions (H. P. 238) (L. D. 294)

An Act to Provide Excise Tax Refund for Construction and Operation of Breweries within the State (H. P. 369) (L. D. 463)

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.

Enactor Tabled and Assigned

An Act Providing for a State Developmental Disabilities Planning and Advisory Council (H. P. 871) (L. D. 1077)

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

Mr. Talbot of Portland moved that this matter be tabled for two legislative days.

Subsequently, the same gentleman withdrew his tabling motion.

Thereupon, the Bill was passed to be

enacted, signed by the Speaker and sent to the Senate.

An Act to Change Weights and Related Provisions for Commercial Vehicles (H. P. 1223) (L. D. 1211)

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

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: This is the truck weight bill. I would ask for a roll call when this item is finally voted on. And inasmuch as the last time this was brought up for second reading, it went under the hammer, and little or no discussion has actually occurred on this bill. I think I would like to review at least one section of it that I don't think the House has adequately looked at.

Most of what people have talked about when they have talked about the truck weight bill is the total gross weights, and I grant you they have been reduced, and that is certainly good. But there are some other things that I think ought to be taken into consideration. I did a little research last week on what happens to bridges when trucks go over them when additional weight is put on, when weights were put on trucks that a bridge was not designed for. I think I would like to read some of it, so as to educate the House, in part as to what happens so they might vote a little better.

Unlike road pavement affected by concentration of axle weights and frequency of repetition, bridges are affected by axle weights, frequency of repetition and the amount of weight between axles. This is not to mention the additional importance that gross weights have on these same longer bridges. Bridge members must have enough strength to support their own dead weight as well as the live loads of trucks crossing them. This weight must be transmitted to the abutting foundation. Normally, this is made up of pilings of bedrock. If the bridge span is longer than the length of the truck crossing it, then the spanning structure must be of sufficient strength to support all of the axles at that specific spacing section. If the span is less than the length of the truck crossing it, then only the weight of the axles upon the span will have to be supported by the bridge.

The design features of a bridge of any given standard are such that the weight of a group of axles which could safely be permitted to cross such a bridge span depends upon the number and spacing of axles involved. The greater the spacing and the larger the number of axles to which the gross weight is distributed within that space, the greater the gross weight which can and should be permitted upon the span.

Presently existing bridges are of varying standards which are required to accommodate a wide range of axle weights and axle group weights, with a variety of spacing and configurations involved. The full range of types of vehicles in operation covers two and three axle trucks. It also covers three, four and five axles, semi-trailer and full trailer combinations. These truck and trailer classes can and do produce an almost unlimited variety of axle group arrangements, differing in the number of axles and axle spacings. Variations occur in accordance with the function of the truck or semi trailers, the type and density of the product being hauled, the type and

your construction of the class of road over which these trucks are operated.

The regulation of trucks with respect to the capacity of Maine bridges is far more complicated than is the case of simple pavement, although I suspect a month ago I probably wouldn't have believed it.

It is complicated because of the physical inability of a bridge to change rapidly and the special dangers of overstressed bridges. This is further compounded and endangered by extreme cold which occurs during Maine winters. When the temperature drops, the bridges become more brittle and less able to bend or give as can occur during warm weather.

In addition, since loads on bridges are distributed over longer lengths, that is span lengths than are the loads on pavement, extensive analysis should be required of the stress producing characteristics of these multi-axle arrangements. They involve numerous axle and axle spacing combinations on a variety of bridges. Until and unless this analysis is able to be done, we must rely on some sort of bridge formula to prevent dangerous and catastrophic failure of Maine bridges.

Presently, there is no bridge formula in the law. Maine roads basically are only limited by gross weight and to a lesser extent by tire weight, but not by axle weight nor by axle weight groupings.

I would ask that this House, until this is done, until some amendments are added to this bill, to vote against it. I think that by looking only at the gross weight, you are doing yourself an injustice. There are many problems with this bill; there are many problems with Maine bridges. Most bridges in the state were designed and built well before 1935. Bridges built before 1935 are what is called an H-15 variety, which meant they were designed to hold 30,000 pounds, with a 30 percent stress factor. Once you get over that stress factor, which is somewhere around 40,000 to 45,000 pounds, you are not doing any good for the bridge, and the bridge may well fall.

I think if you are concerned about the safety of Maine bridges and Maine roads, you will vote against this bill on the roll call.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: We have discussed this bridge weight problem, and we have discussed to great extent in the Highway Task Force last summer. I feel that the Department of Transportation, their engineering staff are fully capable of making decision of this nature. I don't believe these sort of decisions can be made here in this House. I hope you would consider the bill in its present form, which has the approval of the Department of Transportation, is an excellent piece of legislation, and that you will see fit to pass it today.

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

Mr. FRASER: Mr. Speaker and Members of the House: This is the same bill that the Department of Transportation, the State Police and the various members of all the industries in the state who are interested in trucking worked together all last summer, and these problems that have been brought up by my young physicist friend beside me here, they were all brought out, they were all talked about, and any bridge that is

unsafe is probably marked and there is a fine if a truck drives over it. I am sure, as the gentleman from Farmington said, our commissioner knows as much about our bridges as anyone else does.

The safety features in this bill were never put in any other trucking bill. I believe this is the best truck bill that was ever brought before this House. It was good when it was a 90,000 pound base and now it is brought down to 80,000. Some people think it is better; I don't. I think it is a good bill as it is and I hope it will be passed.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I was late arriving in here and I believe I heard the gentleman from Portland make one comment concerning bridges in the winter months when they are weak. I would ask a question of the gentleman. As the present law stands today, the trucks are allowed to haul somewhere between 92,000 and 93,000. As this bill is proposed before us, it will only allow us 88,000.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I will tell you some things we have given up and some of the things that we are going to get that we didn't want in this bill. I worked last summer, like Mr. Morton, all summer, I believe there were 13 meetings, if I am wrong the gentleman may correct me, and we met with this and we took up everything concerning it, and bridges especially. There isn't a truck in this state but will try, unless he is a gypsy, but will try to obey the state rules.

What I was going to say we gave up, we gave up 15 percent tolerance for the winter months in this bill. We gave up a 36 pound axle drop to a 34 pound axle in this bill. We picked up a possible 10,000 pound overload, which before would have cost us up to \$110. We have picked up now a \$400 fine. I believe you have got a good bill here, a good chance for the state police to police it, and I don't believe anyone is going to try to overload 10,000 pounds and pay a \$400 fine. I hope you go along with this bill.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: If I could make one more point, the only point that I am trying to make by what I gave this morning — is getting in a kind of technical line, I suspect is that the bill is not perfect, it is no where near close. I agree and I admit very quickly that it's a far better bill than we have presently in the law, in the present law, but I question how much we have got to add in that I think is bad in order to get something good. It is a question of swap-off and how much you want to give off.

There is not a chance that this issue is going to be dead even if the House were to kill it today. There are several more similar bills in committee and I can be sure that this bill, like a boomerang, will keep coming back.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: There seems to be a lot of worry today about bridges and I painted bridges for the state in 1937-38 for 50 cents an hour, and I think I know something about them. We had a good crew; we worked on these bridges every

seven years and kept them up in very good shape, and I have great confidence in the Transportation Department, therefore I don't think we should worry about bridges this afternoon.

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 passage to be enacted An Act to Change Weights and Related Provisions for Commercial Vehicles, House Paper 1223, L. D. 1211. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Churchill, Conners, Connolly, Cote, Cox, Curran, R.; Curtis, Dam, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Gray, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Kany, Kauffman, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lovell, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, Miskavage, Mitchell, Morin, Morton, Mulhern, Najarian, Norris, Palmer, Peakes, Perkins, T.; Peterson, T.; Pierce, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Walker, Wilfong, Winship, The Speaker.

NAY — Blodgett, Call, Chonko, Clark, Cooney, Curran, P.; Davies, DeVane, Goodwin, H.; Goodwin, K.; Henderson, Hughes, Jensen, Joyce, Kelleher, LaPointe, Lunt, Mackel, McMahon, Nadeau, Pelosi, Perkins, S.; Peterson, P.; Post, Raymond, Truman, Wagner.

ABSENT — Boudreau, Carter, Dow, Gauthier, Hinds, Hobbins, Jalbert, Kelley, Lewis, Lizotte, Martin, R.; Mills, Tyndale, Webber.

Yes, 109; No, 27; Absent, 14.

The SPEAKER: One hundred and nine having voted in the affirmative and twenty-seven in the negative, with fourteen being absent, the motion does prevail.

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

An Act Relating to the Location of Town Meetings (H. P. 1532) (L. D. 1848)

Finally Passed

Resolve, Authorizing Edward S. Crockett and Dorothy P. Crockett, or their Legal Representatives, to Bring Civil Action Against the State of Maine (S. P. 324) (L. D. 1101)

Resolve, Permitting Norman W. Frost, Jr. of Fryeburg to Practice as a Public Accountant (S. P. 456) (L. D. 1504)

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

Mr. Dam of Skowhegan was granted

unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise here now to apologize to my friend from Pittsfield, Mr. Susi. I did make a mistake on the bill that we were discussing and I have gone over the bill. I had said it was 16 percent. I am very sorry, it was not, it is 17 percent, 5 percent penalty and 1 percent per month, and I apologize.

Off Record Remarks

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side on Item 8, L. D. 1211, I now move that we reconsider our action whereby we passed this bill to be enacted and I hope you vote against me.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore that the House reconsider its action of earlier today whereby Bill, "An Act to Change Weights and Related Provisions for Commercial Vehicles," House Paper 1223, L. D. 1211, was passed to be enacted. All in favor of that motion will say yes; those opposed will say no.

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

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

Mr. NORRIS: In reference to item 3 on the first page of the House Advance Journal and Calendar, having voted on the prevailing side to recede and concur, I now move that we reconsider our action and hope you will all vote against me.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House reconsider its action of earlier in the day whereby it voted to recede and concur on Bill "An Act Relating to Hunting Bear with Dogs," Senate Paper 311, L. D. 1059.

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

Mr. DUDLEY: Mr. Speaker, I move this matter be tabled for two legislative days.

The SPEAKER: The Chair will order a vote, the pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that this matter be tabled pending the motion of Mr. Norris of Brewer to reconsider and specially assigned for Tuesday, May 6. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 91 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House reconsider its action whereby it voted to recede and concur with the Senate on this matter earlier in the day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

21 having voted in the affirmative and 95 having voted in the negative, the motion did not prevail.

(Off Record Remarks)

Orders of the Day

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

An Act to Increase the Bonded Debt Limitation of the Maine State Housing

Authority's Mortgage Purchase Programs (H. P. 584) (L. D. 723)

Tabled — April 30 by Mr. Farnham of Hampden

Pending — Passage to be enacted.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Before I start, I want to put everybody at ease. I am not going to move the indefinite postponement. I realize that this bill is going to pass, but I thought I would be doing the honest thing if I reminded this body, or questioned where we are going insofar as debt is concerned.

Just think of it. Ten years ago the debt of the State of Maine was \$67,920,000. Today, it is \$268 million in one account, then authorized but unissued, \$81 million. The limit of potential or contingent bond liability, another \$119 million, making a potential possibility of \$469 million. That does not include the \$100 million that is now in the State Housing Authority, and this bill before us today proposes to add another \$50 million to it.

Some of this debt, obviously, is only a moral responsibility for the state. Some of it, the way it is written, none of it is a moral obligation to the state, but when there is a default, it does reflect on the credit of the State of Maine one way or another.

Recently in New York State, another type of agency such as this living on revenue sharing bonds collapsed to the tune of \$370 million to bail out, and this was an outfit called the Urban Development Corporation, created by the New York State Legislature, authorized to sell up to \$2 billion of tax exempt bonds with a moral obligation but no legal obligation and they went 'kerplunk' and that had a serious effect on all of these revenue type of bonds throughout the whole country.

Last year, Moody's dropped our rating from a Triple A to a Double A and this is what they had to say. The debt of the State of Maine has been increasing steadily and has more than tripled over the past decade —

It is nearer five times instead of tripling, when you include all the types of bonds we have out — in addition, the state has extended its credit to a number of agencies in the form of guarantees or mortgages insured by the Industrial Building Recreational Authorities. It has guaranteed student loan bonds issued by the Maine School Building Authority. It has made reserved fund commitment to the Maine Municipal Bond Bank and to the Maine State Housing Authority. Several of the guaranteed loans have been in default and the state has had to issue general obligation bond to cover the defaulted loan payments. The state's economy is static — now this was written last year and I guess you can square root that static now if you want to know where we are today. In the recognition of the growth of debt and the commensurate burden, the extension of credit to agencies over which the state does not have direct control and the mediocre economic prospects, the rating of the general obligation bonds of the State of Maine has been revised to AA.

Now, I am not trying to insinuate here, that it was the Maine Housing Bond issue last summer that broke us from a Triple A to a Double A; it was a combination of all of our debt.

To comment from our State Treasurer, Rod Scribner, Maine has yet to regain its Triple A bond rating which was lost during last year. Scribner said there are three

basic reasons why the rate was reduced and the State debt has tripled in the last 10 years. There was extension of the State's credit over which it has no control for purposes such as the State School Building Authority and so forth.

I am bringing this to your attention because, of course, you have to have credit, but when you try to build in two years what probably should be spent over a period of ten years, you, of course, go deeply in debt. You have a boom for two years and then you pay for it for the next three or four years. We have a strange circumstance in Washington now where we are going to have what appears to be a \$70 billion deficit. Now, that means that they turn on the printing presses in Washington and turn out a lot of new money with nothing behind it but hot air. Now, what does that new money do? It creates another major wave of inflation and we are going to find out that what is supposedly a cure for the present problem is just going to make it much worse. The only difference is that it delays it for another year or two and then the bomb will explode and what we think now is a recession will look like a picnic.

I now move the passage of this bill.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to any member of the committee that heard this bill if they should choose to answer. In the Maine Housing Authority, how much in bonds now have they got that aren't issued?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to any member who may care to answer if they do desire.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: The present authorization of the Maine State Housing Authority is \$100 million. They have issued \$67 million of that money. They have commitments lined up in the amount of some \$47 million which looks, you know, very good if they can make use of that money right away. The federal government has made available now through the Community Development Act \$5 million. It has been allocated to Maine for the leased housing programs and this amount of money for leased housing will provide for the building of 914 units that are costing \$22.85 million.

I would just like to say in response to some of the comments made by Representative Farnham, when he listed the state's total general obligation bonds outstanding and then said that did not even include the Maine State Housing Authority, there is a very good and logical reason why the Maine State Housing Authority is not included in the general bond obligation of the State of Maine and that is because they are not general obligation bonds. They are revenue bonds and the Maine State Housing Authority operates like a Turnpike Authority, and that is, the principle and interest on the bonds that they issue is repaid through the revenues that the authority raises. In the case of the Turnpike Authority, it is by tolls. In the case of the Housing Authority, it is by rent paid by the people who rent the apartments that they build and by the people who buy the mortgages.

In addition to that, all the building, all the projects financed by the Maine State Housing Authority are guaranteed,

assisted or aided by the federal government, so in any event that the projects which they are financing and mortgaging is due, for some reason they could not make their payments, the federal government would make it up so that the state has, you know, the probabilities of the state being called upon for even the moral obligation are extremely, extremely slight.

Now, the Housing Authority is required to have a housing reserve fund and that fund is the amount of money required to pay the principle and interest for one year of all of the bonds that the Maine State Housing Authority has outstanding. For this, the state has a legal obligation to be sure that the amount of money in that housing reserve fund is kept at that level. What the housing authority does is that before they issue bonds they have commitments from the federal government before they even issue the bonds. They determine the amount of bonds that are going to be issued by the amount of the federal commitment, plus the amount of money necessary to put into the reserve fund to pay the principle and interest over one year. The amount of money in that housing reserve fund at the end of December, 1974, amounted to about not quite \$4 million. That is the legal obligation for the State of Maine to the State Housing Authority.

Now, in the general obligation area, that is \$267-some-million. So you compare \$4 million to the Housing Authority to the \$267 million, for school construction, for highways, the whole gamut, and you can see that the State Housing Authority is a very, very, very small part of all that.

Now, as far as Moody's and their bond rating is concerned, they said over and over again, in addition to our static population and economic growth, that they were primarily concerned about the Maine Industrial Building Authority and the Maine Recreational Authority, which are high-risk ventures, legally guaranteed by the State of Maine. We have had bad experiences through the Sugar Beet Industry and Evergreen Valley and over and over, and I have their report when they downgraded us, and they mention that two or three different places. They mention our current debt level, they mention our stagnant population, stagnant economic growth and then they also say, the security behind the bonds of the State of Maine is of high quality and the state has a clear debt record. In recognition, however, of the long-term trend of the increasing debt and the commensurate burden, the extension of credit to other agencies, particularly in the form of a guarantee of loans insured by the Industrial Building and the Recreational Authorities, the mediocre economic prospects has caused us to lower our general rating, but you must keep in mind that when Moody's did their new survey of the State of Maine, it was based on 1970 records. In the three of four years since then, there has been population growth in southern Maine, particularly York County. They did not take into consideration the expansion of the plants or the paper mills; they didn't even consider the proposed oil refineries that were being considered in Maine at that time, even though they took that into consideration in New Hampshire's case and there was far less chance of an oil refinery being built in New Hampshire at that time than there was in Maine. They have indicated recently that they intend to take another look at Maine since we have lowered the

bonding authorizations for the Maine Guarantee Authority from \$80 million to \$40 million.

So, I just hope, that you will not confuse these revenue bonds with the total general obligation bonds of the State of Maine.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: If I had realized that this was going to be such a controversial item here in the House, I certainly would have passed out to you a copy of something which I did give out to the other body. During debate the other day on another issue, I did mention a conversation that I did have with Mr. Phillips, the Director of Moody's Municipal Bond Rating Department, and it was this conversation which I distributed to the other body. I will read it once more to you and give you that same information again, which I certainly would be very happy to supply under oath as being the content of that conversation. Before I do that though, I would like to point out to you all that the Annual Report of 1974 from the Maine State Housing Authority does show revenues exceeded expenses by \$540,922, more than six times that of 1973, and I think you should keep that in mind. It is a fairly significant figure. Let me continue once more with the conversation that I had with Mr. Phillips, who is definitely in charge of the bond rating for municipal bonds and, of course, our state bonds fall under this category.

Mr. Phillips stated that Moody's lowered Maine's rating after looking at the data available at the time. A year ago, when the determination was made, our population appeared to be static and, consequently, not much economic growth was expected at that time. Now the forecast indicates a steady population growth for Maine and, consequently, probable growth in our economy. Mr. Phillips said that Moody's first looks at indicators such as the debt per capita and then concentrates on trends. He mentioned that there was concern at the time over financing of the Sugar Beet Refinery fiasco and Evergreen Valley. He told me that he did not object to being quoted and believes that our financial picture was bright and that our rating has most definitely not been hopelessly lowered. I told him I called because the House, that day, was considering raising the Maine Housing Authority's debt limit from \$100 million to \$150 million and he foresaw no problem there whatsoever.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "ought to pass" report of the committee, there is a question or factor in this decision that hasn't really been addressed today and I think it would be worth taking just a moment or so on it before we vote.

To set aside the question of indebtedness, which essentially has been done by the last two speakers, this increase from \$100 million to \$150 million is not an obligation of the State of Maine. The federal income tax system permits people who buy municipal or state bonds to have that income for free — you do not have to report that as income, it is tax free. Therefore, there is a great deal of important or large money available for the purpose of buying bonds that have been "blessed" by a state. These bonds fall under that category and they are,

therefore, very attractive to investors. As a result, the Maine Housing Authority can get this money at an interest rate significantly lower than commercial interest rates on the market and as a result, this makes money available to them for the purpose of building.

Now, to address just a little bit of what Mr. Farnham said, he speaks about the difficulties in Maine and the fact that our economy is going downward. We are talking today of fifty millions of dollars, which will be spent in the State of Maine, which will employ Maine people, which will buy Maine lumber, which will build Maine houses for Maine people and we will be doing it with capital which will come from outside the State of Maine so it is, in effect, a subsidy from the federal income tax system to the State of Maine. It is a chance for us to do something for our poor people; it is a chance for us to do something for our younger people whose income qualifies them for this kind of building. It is a chance for us to help address some of our rural slums and some of our city slums, it is a chance to provide work, employment, taxes, and help the economic picture for the State of Maine and this legislature would be remiss if they did not pass this.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When we had this bill before us two years ago asking for an increase in the Maine Housing Authority, allowing them to pick up mortgage purchases, I can remember the debate very vividly, that we were not going to be morally obligated but today, somehow, if I understand correctly, there is a legal obligation.

One thing about these bonds that has always bothered me, whether they happen to be for the Housing Authority or anything else, they are definitely a tax dodge for the well-heeled who have money now and are able to buy these exempt bonds. I question the fact, is it true that we are going to have our Triple A rating or Double A rating by an increase of another \$50 million for the Maine Housing Authority?

Mr. Speaker, when the vote is taken, I request the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Just one brief comment, I think I was conned into going along with this original thought of Housing Authority because on paper it looked good, but I had a lot of friends who tried to get some and it was something like what President Truman once said, you had to prove that you had the money in order to get the loan. In other words, if you have money enough to get one of the loans, in a lot of cases you can get the loan, and this is what I found fault with. I haven't voted for any money for them since because I didn't think it helped the type of people that I wanted to help.

The SPEAKER: A roll call has been requested. In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor of a roll call 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 motion before the House is on passage to be enacted of An Act to Increase the Bonded Debt

Limitation of the Maine State Housing Authority's Mortgage Purchase Programs, H. P. 584, L. D. 723. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Bustin, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Doak, Drigotas, Finemore, Flanagan, Goodwin, K.; Greenlaw, Hall, Henderson, Hutchings, Ingegneri, Jacques, Jensen, Joyce, Kany, Kelley, Kennedy, Laffin, LaPointe, Leonard, Lovell, MacEachern, Mahany, Maxwell, McBreairty, McKernan, McMahan, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Silverman, Smith, Snow, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Theriault, Tierney, Torrey, Truman, Twitchell, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Birt, Byers, Call, Carey, Conners, Dudley, Durgin, Dyer, Farnham, Garsoe, Gould, Hewes, Hunter, Immonen, Jackson, Kauffman, Kelleher, Laverty, Lewin, Lunt, Mackel, MacLeod, Morin, Perkins, S.; Perkins, T.; Rollins, Shute, Snowe, Teague, Tozier, Walker.

ABSENT — Bennett, Curran, R.; Dow, Farley, Faucher, Fenlason, Fraser, Gauthier, Goodwin, H.; Gray, Hennessey, Higgins, Hinds, Hobbins, Hughes, Jalbert, LeBlanc, Lewis, Littlefield, Lizotte, Lynch, Martin, A.; Martin, R.; Mills, Morton, Peterson, T.; Strout, Tyndale, Webber.

Yes, 90; No, 31; Absent, 29.

The SPEAKER: Ninety having voted in the affirmative and thirty-one in the negative, with twenty-nine being absent, the motion does prevail.

Signed by the Speaker, and sent to the Senate.

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

An Act Relating to the Release of Mentally Disordered Persons. (H. P. 719) (L. D. 895)

Tabled — April 30 by Mr. Kelleher of Bangor.

Pending — Passage to be enacted.

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

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

An Act Relating to Contracts of Teachers with Municipalities. (H. P. 1033) (L. D. 1339)

In the Senate — Passed to be engrossed.

In the House — Passed to be enacted on April 25

Tabled — April 30 by Mr. Carpenter of Houlton

Pending — motion of Mr. Gauthier of Sanford that the House reconsider its action whereby this Bill was passed to be enacted.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: We have had some problems with this bill. It did get through here before I realized that there were any problems and it was pointed out to me the Attorney General had some

questions that he raised. We have them answered now and I have an amendment being prepared which is not ready to be onto the bill. I have already requested that this be tabled for two legislative days.

Thereupon, on motion of Mr. Rolde of York, retabled pending the motion of Mr. Gauthier of Sanford that the House reconsider its action whereby the Bill was passed to be enacted and specially assigned for Tuesday, May 6.

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

Bill "An Act to Increase the Minimum Wage to \$2.50 an Hour" (H. P. 148) (L. D. 173)

In House — Report "A" of the Committee on Labor accepted and a New Draft (H. P. 1520) (L. D. 1833) passed to be engrossed on April 23.

In Senate — Report "B" of the Committee on Labor accepted and a New Draft under New Title (H. P. 1521) (L. D. 1834) passed to be engrossed in non-concurrence.

Tabled — April 30 by Mr. Tierney of Durham.

Pending — Further consideration.

On motion of Mr. Tierney of Durham, retabled pending further consideration and specially assigned for Tuesday, May 6.

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

House Divided Report — Majority (8) "Ought to Pass" as Amended by Committee Amendment "A" (H-230) — Minority (4) "Ought Not to Pass" — Committee on Election Laws — on Bill "An Act Concerning Candidates for Public Office Who Are Running as Independents" (H. P. 953) (L. D. 1192)

Tabled — May 1 by Mr. Birt of East Millinocket

Pending — Motion of Mr. DeVane of Ellsworth to indefinitely postpone this Bill.

On motion of Mr. Faucher of Solon, retabled pending the motion of the gentleman from Ellsworth, Mr. DeVane to indefinitely postpone and specially assigned for Monday, May 5.

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

An Act Making a Supplemental Appropriation for the Supplemental Security Income Programs for the Purpose of Increasing the Base Rate for Boarding Home Care (H. P. 477) (L. D. 597)

Tabled — May 1 by Mr. Leonard of Woolwich.

Pending — Passage to be enacted.

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

On motion of Mr. Hewes of Cape Elizabeth,

Adjourned until Monday, May 5, at ten o'clock in the morning.