

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

Monday, May 12, 1975

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

Prayer by the Rev. James Smith of Boothbay Harbor and Southport.

The members stood at attention during the playing of the National Anthem by the Waterville High School Band.

The journal of the previous session was read and approved.

(Off Record Remarks)

Papers from the Senate

From the Senate: The following Communication:

May 9, 1975

Honorable Edwin H. Pert
Clerk of the House
107th Legislature
Augusta, Maine
Dear Mr. Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act Concerning Listing of Tax Exempt Real Property for Town Reports" (S. P. 496) (L. D. 1843).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate the following Communication:

May 9, 1975

Honorable Edwin H. Pert
Clerk of the House
107th Legislature
Augusta, Maine
Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it Failed to Enact Bill, "An Act Creating the Dickey-Lincoln Power Authority" (S. P. 189) (L. D. 662).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees

Ought Not to Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Concerning Snowmobile Registration Fees" (S. P. 295) (L. D. 1021)

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

Leave to Withdraw

Report of the Committee on Fisheries and Wildlife reporting Leave to Withdraw on Bill "An Act Relating to Nonresident Hunting and Fishing License Agents' Fee" (S. P. 90) (L. D. 261)

Report of the Committee on Veterans and Retirement reporting Leave to Withdraw on Bill "An Act Relating to a Cost-of-Living Adjustment for State Retirees" (S. P. 157) (L. D. 531)

Report of the Committee on State Government reporting Leave to Withdraw on Bill "An Act Creating the Machias Bay Industrial Port Authority" (S. P. 179) (L. D. 624)

Report of the Committee on Fisheries and Wildlife reporting Leave to Withdraw on Bill "An Act Establishing a Limited

Open Season on Moose" (S. P. 348) (L. D. 1148)

Came from the Senate with the Reports read and accepted.

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

Ought to Pass

Report of the Committee on Health and Institutional Services reporting "Ought to Pass" on Bill "An Act to Authorize the Board of Registration in Medicine to Conduct Medical Education Programs" (S. P. 430) (L. D. 1417)

Came from the Senate with the Report read and the Bill and accompanying papers recommended to the Committee on Health and Institutional Services.

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

Ought to Pass in New Draft

Report of the Committee on Natural Resources on Bill "An Act to Provide for Prompt Determinations under the Site Location of Development Act" (S. P. 220) (L. D. 719) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide for Prompt Determinations under all of the Statutes Administered by the Department of Environmental Protection" (S. P. 515) (L. D. 1877)

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

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

Divided Report
Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-129) on Bill "An Act to Restrict the Possession of Radio Receiver Crystals Used to Receive Certain Governmental Frequencies" (S. P. 188) (L. D. 622)

Report was signed by the following members:

Messrs. CORSON of Somerset
CIANCHETTE of Somerset
— of the Senate.

Messrs. GOULD of Old Town
BURNS of Anson
JOYCE of Portland
PERKINS of Blue Hill
CAREY of Waterville

— 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. HUNTER of Benton
SHUTE of Stockton Springs
COTE of Lewiston
FAUCHER of Solon

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-129)

In the House: Reports were read.
Mr. Shute of Stockton Springs moved the House accept the Minority "Ought not to pass" Report in non-concurrence.

(On motion of Mr. Birt of East Millinocket, tabled pending the motion of Mr. Shute of Stockton Springs to accept the Minority "Ought not to pass" Report in non-concurrence and tomorrow assigned.)

Divided Report

Majority Report of the Committee on Veterans and Retirement reporting

"Ought Not to Pass" on Bill "An Act Providing a Minimum Service Retirement Allowance under the State Retirement Law for Leonard Sprague of Machias" (S. P. 388) (L. D. 1248)

Report was signed by the following members:

Messrs. CLIFFORD of Androscoggin
COLLINS of Knox
O'LEARY of Oxford

— of the Senate.

Mrs. LAVERTY of Millinocket
Messrs. POWELL of Wallagrass Plt.
LEONARD of Woolwich
THERIAULT of Rumford
MacEACHERN of Lincoln
USHER of Westbrook
NADEAU of Sanford
MORTON of Farmington
CURTIS of Rockland

— of the House.

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

Report was signed by the following member:

Mrs. KELLEY of Machias

— of the House.

Came from the Senate with the Majority "Ought not to pass" Report accepted.

In the House: Reports were read.

On motion of Mr. Theriault of Rumford, the Majority "Ought not to pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registration" (H. P. 752) (L. D. 927) which was passed to be engrossed as amended by House Amendment "A" (H-218) in the House on May 1.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Require Bicycle Safety Education in Public Schools" (H. P. 1079) (L. D. 1359) on which the Majority "Ought to Pass" Report of the Committee on Education was read and accepted and the Bill passed to be engrossed in the House on May 7.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Education read and accepted in non-concurrence.

In the House: On motion of Mrs. Lewis of Auburn, the House voted to recede and concur.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State" (S. P. 205) (L. D. 695) which was passed to be engrossed as amended by House Amendment "A" (H-251) in the House on May 6.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-102) and "B" (S-128) in non-concurrence.

In the House: On motion of Mr. MacEachern of Lincoln, tabled pending further consideration and specially assigned for Wednesday, May 14.

Orders

Mr. Talbot of Portland presented the following Joint Resolution and moved its adoption: (H. P. 1578)

IN MEMORIAM
Having Learned Of The Death Of
KIVIE KAPLAN
OF
BOSTON, MASSACHUSETTS

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 Resolution was read.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Most of you don't know who Mr. Kivie Kaplan is. Just for your reference, Mr. Kivie Kaplan was President of the National Association for the Advancement of Colored People since 1966. Before that, he served on various boards within that National Order, from the executive branch, from the budget on down. He has been a life-long member of that organization and served mainly as life membership chairman.

When he took over several years ago, I think the national association office in New York had a total of 350 life members. It is now over 54,000 life members, and he has 64 members of his own family as life members.

Mr. Kaplan passed away last Monday and he was buried Wednesday. If there are any more questions, I would be glad to answer them.

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

Mr. Blodgett of Waldoboro presented the following Joint Resolution and moved its adoption: (H. P. 1579)

IN MEMORIAM

Having Learned Of The Death Of
CHARLES G. DREW, SR.
of Waldoboro
on May 7, 1975

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 Resolution was read and adopted and sent up for concurrence.

House Reports of Committees
Ought Not to Pass

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act Relating to Distribution of Wine to Retail Stores" (H. P. 753) (L. D. 928) reporting "Ought Not to Pass"

Mrs. Tarr from the Committee on Labor on Bill "An Act to Include Salaries, Pensions and Insurance for Binding Arbitration Under the Municipal Public Employees Labor Relations Law" (H. P. 375) (L. D. 469) reporting "Ought Not to Pass"

Mr. Shute from the Committee on Election Laws on Bill "An Act Determining Position of Names of Candidates on Primary Ballots and General Election Ballots" (H. P. 167) (L. D. 197) reporting "Ought Not to Pass"

Mr. Pelosi from the Committee on State Government on Bill "An Act to Determine the Method of Resignation of Appointed Officials" (H. P. 1386) (L. D. 1714) reporting "Ought Not to Pass"

Mr. Farnham from the Committee on State Government on Bill "An Act to Reorganize the Department of Personnel" (H. P. 1124) (L. D. 1427) reporting "Ought Not to Pass"

Mr. Farnham from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Establish a Judicial Nominating Commission (H. P. 1335) (L. D. 1761) reporting "Ought Not to Pass"

Mr. Farnham from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Establish a Judicial Nominating Commission (H. P. 1266) (L. D. 1756) reporting "Ought Not to Pass"

Mr. Farnham from the Committee on State Government on Bill "An Act Establishing the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for all State Financed Educational Activities" (H. P. 1257) (L. D. 1758) reporting "Ought Not to Pass"

Mr. Cox from the Committee on Taxation on Bill "An Act Improving Benefits under the Elderly Householders Tax and Rent Refund Act" (H. P. 1218) (L. D. 1534) reporting "Ought Not to Pass"

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. 1368) (L. D. 1649) reporting "Ought Not to Pass"

Mr. Morton from the Committee on Taxation on Bill "An Act to Establish a Tax Credit for Dependents under the Maine State Income Tax" (H. P. 1327) (L. D. 1628) reporting "Ought Not to Pass"

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds to Provide Continued Alcoholism Services for the Indian People of Maine" (H. P. 1367) (L. D. 1667) reporting "Ought Not to Pass"

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act to Amend the Catastrophic Illness Program by Exempting Senior Citizens from Certain Requirements and Assuring Reimbursement under Certain Circumstances" (H. P. 1287) (L. D. 1601) reporting "Ought Not to Pass"

Mr. MacLeod from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Provide School Building Facilities for Southern Aroostook Community Junior High School at Dyer Brook" (H. P. 1533) (L. D. 1854) reporting "Ought Not to Pass"

Mrs. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Municipal Support of the Poor" (H. P. 1479) (L. D. 1705) reporting "Ought Not to Pass"

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds for Employment Opportunities for Maine Reservation Indians" (H. P. 1378) (L. D. 1697) reporting "Ought Not to Pass"

Were placed in the Legislative Files

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

Leave to Withdraw

Mr. Pelosi from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution Providing that the Minimum Age for State Representatives be Eighteen" (H. P. 1117) (L. D. 1407) reporting Leave to Withdraw.

Mr. Pelosi from the Committee on State Government on Bill "An Act Concerning the Exemption of Certain Law Enforcement Officers from the Requirement of Attendance at the Maine Criminal Justice Academy" (H. P. 1328) (L. D. 1641) reporting Leave to Withdraw.

Mr. Quinn from the Committee on State Government on Bill "An Act Creating the State of Maine Commission on the Status of Women" (H. P. 1417) (L. D. 1713) reporting Leave to Withdraw.

Mrs. Kany from the Committee on State Government on Bill "An Act to Register Recreation Administrators" (H. P. 1260) (L. D. 1757) reporting Leave to Withdraw.

Mr. Greenlaw from the Committee on Marine Resources on Bill "An Act to Establish Statutory Provisions for a Retail Seafood Dealer's License" (H. P. 1340) (L. D. 1621) reporting Leave to Withdraw.

Mr. Greenlaw from the Committee on Marine Resources on Bill "An Act Relating to the Statutes Concerning Clams, Mussels, Quahogs and Marine Worms" (H. P. 1339) (L. D. 1765) reporting Leave to Withdraw.

Mr. Martin from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Closed Season on Hunting Bear" (H. P. 1408) (L. D. 1743) reporting Leave to Withdraw.

Mr. Tozier from the Committee on Fisheries and Wildlife on Bill "An Act to Require Yearly Registration of Watercraft" (H. P. 1447) (L. D. 1728) reporting Leave to Withdraw.

Mrs. Post from the Committee on Marine Resources on Resolve, Proposing a Study of Methods of Encouraging the Growth and Modernization of the Fisheries Industry in Maine (H. P. 1054) (L. D. 1236) reporting Leave to Withdraw

Mrs. Post from the Committee on Marine Resources on Bill "An Act to Establish Statutory Provisions for a Wholesale Seafood Dealer's and Processor's License" (H. P. 1341) (L. D. 1622) reporting Leave to Withdraw.

Mrs. Post from the Committee on Marine Resources on Bill "An Act to Clarify Definitions under the Marine Resources Statutes" (H. P. 1295) (L. D. 1759) reporting Leave to Withdraw.

Mr. Higgins from the Committee on Business Legislation on Bill "An Act Regulating Water Well Construction" (H. P. 956) (L. D. 1195) reporting Leave to Withdraw

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act Relating to Risk Sharing Plans in the Field of Property Insurance" (H. P. 1160) (L. D. 1459) reporting Leave to Withdraw

Mr. Talbot from the Committee on Human Resources on Bill "An Act to Prohibit Discrimination on Account of Mental Handicap Under the Human Rights Act" (H. P. 1406) (L. D. 1792) reporting Leave to Withdraw

Mr. Ault from the Committee on Human Resources on Bill "An Act to Create the Maine Human Rights Appeal Board" (H. P. 765) (L. D. 936) reporting Leave to Withdraw

Mr. Davies from the Committee on

Human Resources on Bill "An Act to Establish the Department of Indian Police" (H. P. 1274) (L. D. 1769) reporting Leave to Withdraw.

Mr. Susi from the Committee on Taxation on Bill "An Act to Exempt Nonprofit Nursery Schools from the Sales Tax" (H. P. 1232) (L. D. 1539) reporting Leave to Withdraw

Mr. Finemore from the Committee on Taxation on Bill "An Act to Exempt Fuels used for Commercial Fishing from the State Sales Tax" (H. P. 1066) (L. D. 1346) reporting Leave to Withdraw

Mr. Finemore from the Committee on Taxation on Bill "An Act to Exempt Certain Used and Reconditioned Machinery and Equipment from the Sales Tax" (H. P. 1095) (L. D. 1373) reporting Leave to Withdraw

Mr. Drigotas from the Committee on Taxation on Bill "An Act Exempting Sales of Commercial Fishing Vessels Machinery and Equipment Thereupon from the Sales Tax" (H. P. 1305) (L. D. 1587) reporting Leave to Withdraw

Reports were read and accepted and sent up for concurrence.

Mr. Tierney from the Committee on Labor on Bill "An Act Providing for a Workmen's Compensation Insurance Fund" (H. P. 1470) (L. D. 1788) reporting Leave to Withdraw

Report was read.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Item 37, you will note, is a report from the Labor Committee entitled "An Act Providing for a Workmen's Compensation Insurance Fund." Just so the insurance lobby won't get all up tight about this, I am not going to try to substitute the bill for the report, but would just like to make a brief statement on this bill, if I may.

I have been very interested, since I have been in the legislature, about the status of workmen's compensation in the State of Maine. In many areas, particularly in areas of labor market that I am familiar with, particularly in the woods work area, I have been quite dismayed at the extremely high cost of workmen's compensation. That is not to say that I have not voted for increasing returns to the workers when they have been injured, but I have been particularly impressed with the extremely high overhead that insurance companies have been able to maintain. I have also been equally dismayed with the hesitancy of many insurance carriers to act upon justified claims when they have been brought against insurance companies by injured workers. I have also been dismayed over the past with the lack of interest of the insurance companies in taking on at least some high risk occupations for coverage.

This bill provides the answer to all of those problems. I am withdrawing it today because some of my friends in the insurance industry tell me that they are beginning to clean up their own house. I have not had time to check on that; I have not had time to put the work into this bill that I have had in the past in past legislatures. Therefore, I have asked the Labor Committee, in deference to the insurance industry, to withdraw this bill, and I will be back in a few days with an order that will study the entire area of public versus private-sponsored workmen's compensation. This is going to

be a very important study, in my judgment, and I hope that it can be completed before the special session. So with this, I will simply ask this leave to withdraw be accepted by the House.

Thereupon, the Report was accepted and sent up for concurrence.

Mr. Lynch from the Committee on Education on Bill "An Act Relating to Cost of School Construction for State Aid" (H. P. 41) (L. D. 52) reporting Leave to Withdraw

Mr. Winship from the Committee on Transportation on Bill "An Act Relating to a Ferry Between Chebeague Island and Cousins Island" (H. P. 1273) (L. D. 1577) reporting Leave to Withdraw

Mr. Albert from the Committee on Transportation on Bill "An Act to Increase Allowable Weight Limits on the Interstate Highway System" (Emergency) (H. P. 175) (L. D. 190) reporting Leave to Withdraw

Mr. Webber from the Committee on Transportation on Bill "An Act to Exclude Car Carriers from Being Operated with Dealer Plates under Motor Vehicle Laws" (H. P. 1286) (L. D. 1571) reporting Leave to Withdraw

Mrs. Berube from the Committee on Performance Audit on Bill "An Act Relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Court" (H. P. 354) (L. D. 455) reporting Leave to Withdraw

Mrs. Durgin from the Committee on Election Laws on Bill "An Act Concerning the Information Required on the General Register of Voters" (H. P. 1359) (L. D. 1661) reporting Leave to Withdraw

Mr. Farnham from the Committee on State Government on Bill "An Act Relating to Veterans Preference under the State Personnel System" (H. P. 1351) (L. D. 1648) reporting Leave to Withdraw

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Additional Funds to the Bureau of Mental Retardation" (Emergency) (H. P. 1356) (L. D. 1658) reporting Leave to Withdraw

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Draft Printed**

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act Relating to Reserve Valuation Standards for Life Insurance and Annuity Contracts and Nonforfeiture Benefits of Life Insurance Policies" (H. P. 693) (L. D. 880) reported same in New Draft (H. P. 1576) (L. D. 1879) 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.

**Ought to Pass
Printed Bills**

Mr. Drigotas from the Committee on Taxation on Bill "An Act Relating to Sales Tax on Aircraft and Sales Tax Exemption on Trade-in Credit for Aircraft" (H. P. 1188) (L. D. 1484) reporting "Ought to Pass"

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Exempt Community Based Mental Retardation Service from the Sales Tax" (H. P. 1255) (L. D. 1551) reporting "Ought to Pass"

Reports were read and accepted, the

Bills read once and assigned for second reading tomorrow.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Negotiated Salaries for Teachers" (H. P. 1242) (L. D. 1543)

Report was signed by the following members:

Messrs. ROBERTS of York,
PRAY of Penobscot
-of the Senate.

Mrs. CHONKO of Topsham,
TARR of Bridgton,
Messrs. SPROWL of Hope,
TIERNEY of Durham,
SNOW of Falmouth,
FLANAGAN of Portland,
MARTIN of St. Agatha,
TEAGUE of Fairfield
-of the House.

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

Report was signed by the following members:

Mr. McNALLY of Hancock
-of the Senate.
Mr. LAFFIN of Westbrook
-of the House.

Reports were read.

(On motion of Mr. Finemore of Bridgewater, tabled pending acceptance of either Report and specially assigned for Wednesday, May 14.)

Majority Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act Relating to Protective Custody of Children under Health and Welfare Laws" (H. P. 638) (L. D. 789)

Report was signed by the following members:

Messrs. GRAHAM of Cumberland,
KATZ of Kennebec
-of the Senate.

Messrs. RAYMOND of Lewiston,
DAVIES of Orono,
AULT of Wayne,
Mrs. SAUNDERS of Bethel,
HUTCHINGS of Lincolnville
-of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1577) (L. D. 1880) on same Bill.

Report was signed by the following members:

Messrs. TALBOT of Portland,
HUNTER of Benton,
CONNERS of Franklin,
TRUMAN of Biddeford,
BACHRACH of Brunswick
-of the House.

Reports were read.

(On motion of Mr. Talbot of Portland, tabled pending acceptance of either Report and specially assigned for Wednesday, May 14.)

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act Designating Family Day Care as a Priority Social Service" (H. P. 1207) (L. D. 1500)

Report was signed by the following members:

Mr. KATZ of Kennebec
-of the senate
Mrs. HUTCHINGS of Lincolnville,
Messrs. AULT of Wayne,
CONNERS of Franklin,
HUNTER of Benton,

RAYMOND of Lewiston,
TRUMAN of Biddeford
— of the House.

Minority Report of the same Committee
reporting "Ought to Pass" on same Bill.
Mr. GRAHAM of Cumberland

— of the Senate
Mrs. SAUNDERS of Bethel,
BACHRACH of Brunswick,
Messrs. TALBOT of Portland,
DAVIES of Orono

— of the House.

Reports were read.

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

Mr. RAYMOND: Mr. Speaker and Members of the House: I move we accept the "Ought not to pass" Report.

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

Mr. ROLDE: Mr. Speaker and Members of the House: I would ask for a Division on the motion.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps people don't really understand the significance of this, so before we have a Division on the question, I would just like to state the position a little bit. The matter here before us is a question of day care in rural areas, primarily, in places where they don't have a fully organized day-care center. The thought was that people in those areas had no recognized place to leave their children nor did they have the financial support which was offered usually in a day-care center for those who can't afford to pay or can't afford to pay the full fee. This designation would make certain home operated day-care centers also eligible for assistance in funding.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Just to explain a little bit more, all this bill does is say that, under the Priority Social Service program, that the last legislature adopted, that you could consider so-called family day-care as well as developmental day-care.

Last year, of all the money that was spent on day-care, under the Priority Social Service Program, it was spent on so-called family day-care, which is day care within a home and it was made particularly useful in the rural areas of the state where this sort of service, where you couldn't have the more larger developmental centers—that just wouldn't be financially feasible. All this does is allow the Priority Social Service Program to consider family day-care.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to say that I would also support passage of this bill and ask you to vote against the "Ought not to Pass" Report.

One reason, I think it is very important, perhaps now, that we pass this bill is because I have a memo here that David Smith wrote to Jim Tierney, who is the Regional Director of Region 1 which is York and Cumberland County and he said, he directs them, "Inform all staff providers and recipients of Family Day-Care Services, that the program will not be continued after June 30, 1975." The reason he gives is this, "There are currently bills in the Legislature which

would appropriate funds for family day-care projects. However, whether or not this legislation will pass and if so, what amount of funds will be available is unclear at this time." Subsequently, he is directing them to close down the family day-care. Well, if you follow that logic through, we haven't passed the budget for anything yet so he should be telling everybody to close up shop because legislature hasn't passed out its budget for any of the agencies or departments. I urge support of the bill.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I have L. D. 1500 in front of me and it goes well beyond day-care service in the bill, obviously, mental health, transportation, meals for older people, coordinated elderly programs, home-maker service, but I notice that there is, in fact, no price tag on this and I would ask anyone who knows, doesn't this bill need a fiscal note?

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman's question, the only thing that this bill does—and if you look at it, it has a list of services which are the Priority Social Services, those are already the Priority Social Services with one exception, and that is family day-care. All this bill does, is add family day-care to the Priority Social Services that already exist, this is in previous legislation that the last legislature passed. There is no price tag because all this bill means is that family day-care could be eligible to share in the entire amount of money whatever the appropriations is from the Appropriations Committee that goes to Priority Social Services. All this is permissive legislation that allows family day-care to be considered, that is all it is. There is no price tag and all these other services are those that already exist within the Priority Social Services legislation.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from York, Mr. Rolde, for his explanation. Then obviously this means, they would share in whatever pot comes up. I would also be interested in knowing if the family day-care center then would also have to share in the responsibility of the safety provisions that developmental day-care centers also have to have.

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 Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that there are certain regulations that would govern family day-care centers that they would have to comply with.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: This has started off as an interesting week because it is my understanding we were going to debate Divided Report, Item No. 50 and not this one. In passing, I would like to say that I hope you all do look at the signers of Item

50 when it comes up again in a couple of days.

The reason that I signed the "Ought not to pass" Report on this bill we are debating right now is that the department told us specifically that family day-care is already being taken care of under developmental day-care and the bill was not necessary.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: That is basically a question that I had in my mind and I am still not quite sure on it. I understood from the gentlewoman from Portland that we were already handling family day-care and then the gentleman in the corner says this has to be included so I am a little confused at this. Does family day-care now exist under a different program, is that where it is being funded?

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that of the money that was spent on day-care under the Priority Social Service Program, and I believe the figure was somewhere in the neighborhood of \$50,000, none of it was spent on family day-care. This would just insure that family day-care would at least be considered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Raymond, that the House accept the "Ought not to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act to Repeal Provision for Lighted Headlamp on Motorcycles Using the Highway" (H. P. 901) (L. D. 1088)

Report was signed by the following members:

Messrs. CYR of Aroostook
McNALLY of Hancock
— of the Senate.

Messrs. FRASER of Mexico
WEBBER of Belfast
ALBERT of Limestone
STROUT of Corinth
LUNT of Presque Isle
KAUFFMAN of Kittery
JENSEN of Portland
JACQUES of Lewiston

Mrs. BERRY of Madison
— of the House.

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

Report was signed by the following members:

Mr. GREELEY of Waldo
— of the Senate.

Mr. WINSHIP of Milo
— of the House.

Reports were read.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I move the

acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Mexico, Mr. Fraser, moves the House accept the Majority "Ought to Pass" Report.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all its accompanying papers, both reports, and everything else be indefinitely postponed.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves that this bill and all accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Yes, it is that time of year again. What you have before you is a repealer of one of the best laws that we passed in the last legislative session.

A brief history for the new members. This bill was not sponsored by any special interest group. It was not suggested by people who are experts. It is one of those rare bills that was put in because somebody thought something ought to be done about a problem. It happened that the summer before last, I witnessed, or almost witnessed, a motorcycle fatality, and began to notice that you could hardly see motorcycles coming at you (this was a head-on collision) you could hardly see them coming at you at times of day when it was dusky or when it was cloudy or depending on the background. If you think about meeting motorcycles on the road, they are coming at you — you see them at about the width of your thumb. So, I put a bill in, it went through the House, it went through the Senate. Each time we approached it at Second Reader and Enactor, the pressure came on from the motorcycle clubs of the state, it finally got by in a narrow margin to the Governor's desk, there was an attempt to recall the bill from the Governor's desk, that failed by only a few votes. The Governor was under pressure to not sign the bill, he signed the bill anyway. You would think that would be the end of it, but no, in both branches there was an amendment under "errors and inconsistencies" to repeal the bill that had just been passed a few weeks before and both of those efforts failed. So much for history.

The people who are in favor of this repealer by and large are members of motorcycle clubs. Not all motorcycle clubs favor this repeal, but most of them do and those are the people who will be appealing to you to repeal this bill. They feel that this is discriminatory legislation. In fact, they feel the sponsor of this measure is anti-motorcycle, anti-motorcycle rider, the type of person who when he sees a motorcycle coming toward him opens his car door to knock him off the road or something of this nature. The fact of the matter is, it is not true. It is not discriminatory legislation, it is safety legislation. At least five editorials in Maine newspapers last year supported this measure. Surprising to me, was that when this legislature adjourned, in some newspapers there was a man on the street poll that said, what did you feel were the major accomplishments of the 106th Legislature, and very, very often the man in the street, said this bill was one of the major accomplishments of the legislature. I don't happen to believe that, but it is an indication to you that there is wide support

among people, even if not the motorcycle clubs, for this measure.

There are rights involved. The rights of a motorcyclist to operate with his headlights on or his headlights off is involved. There is another right involved and that is the right of the motorist to see those vehicles coming. Most people do not want to knock motorcycles off the road. Most people would just as soon avoid collisions with motorcycles. I think the latter right should take precedence.

I said on the Floor last year as I was battling the final attempt to repeal this through "Errors and Inconsistencies bills," a little device that the freshmen will see coming later on in the session, to give this bill a chance, to see if it would work, and if it didn't work, I would vote for repeal.

I am telling you today, that bill worked. Last year 25,829 motorcycles in Maine were registered. That is not counting what came in from the provinces and from out-of-state. That is a 5,000 vehicle increase. 5,000 more motorcycles on Maine roads, not counting the people coming from out-of-state and one less death from the previous year. It worked. I hope you vote for indefinite postponement of the repealer.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support the indefinite postponement of this bill. I have ridden a motorcycle a long time and there is no doubt in my mind whatsoever the effectiveness of this device of having a headlight on. If you think it is frightening in an automobile to, all of a sudden recognize a motorcycle that you are bearing right down on, let me tell you, it is really frightening to be on the motorcycle and realize that a person in an automobile doesn't see you. There is no question in my mind that people don't see you if you don't have your headlight on and that they are way more apt to see you if you do have your headlight on.

I, too, object to losses of freedom and this is some loss of freedom, a loss of an option, on the part of the motorcycle rider. He is required by law to have his headlight on. I don't feel that is a serious imposition. There is no evidence given that it will — you know, your battery lasts less time or that you have to have a headlight bulb more often, there is nothing that way. You do have to concede to the public, to the guy in the car so he won't have kittens, when all of a sudden he sees you right in front of him. People don't look for motorcycles when they are driving automobiles. I don't thoroughly understand the phenomenon except that I know that it works. With a headlight on, on a motorcycle, it is a much safer proposition and whatever little loss of freedom there is here, for the safety feature that is involved, I hope that you move and support the motion for indefinite postponement. I feel very strongly about this.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: We have heard a very impressive testimony here from the gentleman from Augusta. My feelings on this piece of legislation haven't changed since the last time we discussed this. When it came before our committee in the 106th, I opposed the bill that he was about to introduce. Today, I am speaking for repeal. I hope you will vote against the indefinite postponement.

As a committee member of the Transportation Committee when this was up for hearing, there were no statistics presented to us that this provision, lighted headlamps, is working. There doesn't seem to be any reason or necessity for this type of legislation. I don't have too much more to say. I imagine there will be some who will speak here today concerning this bill, but I really feel that we should move this legislation along.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: It comes to no surprise to you that I am the sponsor of this legislation, being an avid motorcyclist. As Mr. Bustin has given you a brief outline of this bill, what had happened, it was passed by the 106th Legislature. The problem that it did get passed, I was a freshmen, and I guess I wasn't on my toes and it just kind of slid by me.

We did get a motion in the House after it was passed and enacted, we did get an amendment in — it did pass the House and lost in the Senate by just a couple of votes to repeal the law. But as I remember, and I just want to clear up one point, I opposed a move to get it in the Errors and Inconsistencies. The recall motion was a separate order that we put in.

I feel that there is enough evidence to support the repeal of this bill, and before I get into that evidence, I would just like to state that I am not against safety. I think many of you will remember that I did introduce, support and got passed legislation to establish a motorcycle driver training program which will be going into effect this September. I also supported, introduced and was able to get passed legislation to establish a minimum tire tread depth for tires on automobiles.

Proponents of "lights-on" laws claim that burning lights during the daylight hours remind automobile drivers to be careful, attract attention, increase motorcycle visibility, indicate direction of travel, and reduce accidents. However, there is no conclusive data or proof that such legislation actually reduces motorcycle accidents. In fact, seven out of the eight states that have such laws, there are thirteen that have them, five only in the last year, we didn't have enough figures — the statistics aren't conclusive enough, but out of the eight states that have had this "lights-on" legislation for more than two years, only one has experienced a decrease in accidents.

Just to give you an indication, Arkansas, which has had "lights-on" legislation for over two years, has had an increase per 1,000 registrations of 26 percent; Florida, one percent; Illinois, 16 percent; Indiana, 13 percent; Montana, 46 percent; New York and Wisconsin both about 5 percent. These are increases in accidents with the headlight law per 1,000 registration. Only one state, Wyoming, had a very slight decrease in a number of accidents after they introduced this law.

For comparison purposes, in states that have had increases and 3 have remained which complete registration accident data are available, 16 have experienced an overall decrease in the number of accidents per 1,000 registrations, while 9 have had increases and 3 have remained constant. In the absence of positive evidence, several negative facts have to be considered. Most of the negative aspects are the result of the fact that motorcycles

have not been designed with full-time lights-on operation in mind.

Because of the central location of a single motorcycle headlight, it does not serve as a good directional indicator. When motorists begin to take for granted that a single headlight indicates an approaching motorcycle, a motorcycle whose light is burned out or the guy has forgotten to turn it on is automatically placed in a hazardous position. The results may be that the approaching motorist can misjudge the motorcyclist's direction of travel by 180 degrees.

With full-time lights on operation, your tail and brake light lose their daytime effectiveness. On motorcycles designed for this kind of operation, there is not enough difference in intensity between tail and brake lights. This is quite evident on a sunny day such as today. This creates a situation where a following motorist may not recognize that a motorcycle is slowing or applying his brakes. As a motorcyclist, I would much rather have a car that doesn't see me coming at me than one that doesn't see me stopping coming from behind. At least I then have a chance to avoid any accident.

At present, federal motorcycle equipment standards that aren't included are the necessity of bulbs and electrical systems capable of burning at all times. Thus, the requirement to the effect will place a burden on the motorcycle's electrical system for which it was not designed. Most motorcycle lighting system components currently on the road were not engineered to sustain continuous duty cycle operation in terms of the alternator, generator, battery output and storage capacity through a full range of motorcycle operation. I give you a personal example of this. I went riding with a person last summer who had an English bike. It was fairly new. We started out with our headlights on. We rode for about four or five hours and his battery went dead. The reason for this was because of the constant drain on his battery because his generator system was not capable of reproducing enough electricity to keep that battery charged. Because of this, we had to wait beside the road. Finally a pickup truck came by and we were able to load the bike on and take it to a garage and get it charged up.

I really don't feel that this type of thing is necessary. Due to the frequency of headlight failure and the fact there is no immediate replacement on the machine, operators whose headlights fail may be forced to operate in violation of the law or leave their machine along the road where it may be stolen. I had a headlight burn out last summer — it was here in Augusta, as a matter of fact — and I drove for approximately five or six miles until I came to a Honda shop where I could get mine fixed. Now, if I had been stopped then, I would have been facing a \$20 or \$25 fine. I would like to ask everybody here why? What crime was I committing?

Another point that really bothers me, one of the first things to be damaged if an automobile and a motorcycle get in an accident is the headlight in the front end. Then the operator can simply tell the investigating officer that a motorcycle headlight was not burning. It then becomes the responsibility of a motorcyclist to prove otherwise. Therefore, a law intended to protect the motorcyclist from the motorist will become the motorist's automatic escape from liability. I don't think it has happened

in the State of Maine, but there are some court cases pending in other states with headlight laws where this has happened. I don't know the results of that though.

Another objection to lights-on legislation is the amount of responsibility it places on the motorcyclist. It seems to be based upon the assumption that a motorcycle is a dangerous vehicle and should be equipped with some kind of warning device. Contrary to evidence that over 60 percent of automobile-motorcycle collisions are the fault of the automobile operator, and without proof as to its effectiveness, such legislation places the responsibility for correction of this situation on the motorcyclist. Ladies and gentlemen of the House, I feel that from a philosophical point, when this House passes legislation, we ought to have good, hard statistics to back it up for legislation of this nature.

The Representative from Augusta stated there was one decrease in accident and death last year for Maine motorcyclists. However, there was an increase in accidents from 28 per 1,000 to 33 per 1,000 registrations of motorcycles. So I say to you, this is one year, and I don't think these figures are conclusive, but if the Representative wants to bring up death, I think we should also bring up the number of accidents. And under the headlight law, the number of accidents has increased. So I don't think that this law is effective. I think that it is an undue burden on the motorcyclist. It gives the motorist a false sense of security. I think that this law should be repealed and I would ask you to vote against the motion of indefinite postponement.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from South Berwick need not apologize for his attempt to kill this legislation in the 106th. He did a masterful job even though he felt inadequate, but he wasn't successful and I am glad he wasn't.

The statistics he has read off this morning only tell me that the increase in accidents would have been greater in the states that have headlight laws than they actually were, because this bill does do away with a great safety provision. It disregards the rights of the other people on the road besides motorcyclists. Just recently I had to brake quickly to avoid a motorcycle, and the only thing that made me see him was to catch that light in my eye. I tell you, ladies and gentlemen, this is a great safety measure. I will no longer hold out for helmets and goggles and other protective clothing. I feel as though this is perhaps an imposition on motorcyclists and it is their right to expose themselves to injury in any way they see fit, but a greater right is the opportunity to see that cycle and avoid an accident, and I support the gentleman from Augusta and I urge you to vote yes for indefinite postponement.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: I just want to point out, and perhaps I didn't emphasize this enough, that there are 16 states without headlight laws that have had a reduction per 1,000 motorcycle registrations. They have had a reduction in accidents. Of the states that do have the headlight laws, those that have had it for more than two years, every one but one has had an

increase in accidents, and the State of Maine, which has only had it for one year and I don't think the figures are conclusive, but they have also had an increase in accidents.

I would like to point out that I have had one motorcycle accident in which I was alone on the bike, that wasn't involved with a car, but the closest accident I have ever had, closest to getting into an accident, was when I had my headlight on and a guy pulled out in front of me and I went across someone's lawn. When I finally caught up to that guy and had cooled down a little bit, I asked him why he pulled out in front of me and he said, "I didn't see you." I think whether you have the headlight on or not, the people that are going to pull out in front of motorcyclists or disregard the rights of the motorcyclist are going to do it anyway.

I would like to point out also, I did a little investigating after the bill passed last time on a particular case that the Representative from Augusta pointed out, and I found out a little bit about the person who was involved in that accident, and he had been involved in a few others before. As I understand it, he was pretty much of a hot head and probably would have been involved whether he had his headlight on or not.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't like to make laws in this House that makes people do anything. I don't care if it is a motorcyclist or somebody else, but in my opinion, it is unnecessary.

Now if these motorcyclists want to run their lights, they can do it right now, and if they think it is a good idea, I know they will do it. I think it is a bad idea. Just recently, I was driving behind a motorcycle in daylight. He had his headlight on, but I was behind him, and he slowed down very abruptly and I almost hit him from behind. Because his taillight was on, I couldn't tell he had reduced his speed and put his taillight on, and I agree with the gentleman in the back row that if I was driving a motorcycle, I think I would take a chance of seeing a guy coming at me than a guy sneaking up behind and hitting me from behind.

Now, I think these types of law accomplish nothing except irritate the public, and I don't want to irritate any more people than I have to. We are going to have to irritate some by taxes before we get out of here, and let's not irritate them with stuff that is unnecessary, like a few years ago we passed a seatbelt law, requiring seatbelts, but that didn't make any more people fasten them, and this type of thing, when you try to make people do things, it accomplishes nothing but irritating people, and I hope you see it in this light and you will vote to pass this legislation.

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

Mr. McBREARTY: Mr. Speaker, Ladies and Gentlemen of the House: This bill happens to be one of my own. I didn't know that it was going to be on the calendar today, so I am not prepared in any way. I would appreciate the courtesy of tabling this bill for one or two legislative days.

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

Mr. PALMER: Mr. Speaker, I move this

item lie on the table for one legislative day. Thereupon, Mr. Kauffman of Kittery requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that this matter be tabled pending the motion of Mr. Bustin of Augusta to indefinitely postpone and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 65 having voted in the affirmative and 44 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act Providing for the Establishment of a Pilot Project in Bilingual Education" (H. P. 1428) (L. D. 1779)

Report was signed by the following members:

Mr. BERRY of Cumberland
-of the Senate
Mrs. LEWIS of Auburn,
MITCHELL of Vassalboro,
Messrs. CONNOLLY of Portland,
POWELL of Wallagrass, PIt.,
INGEGNERI of Bangor,
CARROLL of Limerick,
TYNDALE of Kennebunkport
-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. KATZ of Kennebec,
THOMAS of Kennebec
-of the Senate.
Messrs. LYNCH of Livermore Falls,
FENLASON of Danforth,
BAGLEY of Portland
-of the House.

Reports were read.

On motion of Mr. Tyndale of Kennebunkport, the Majority "Ought to pass Report was accepted and the Bill assigned for second reading tomorrow.

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 the Borrowing Capacity of East Range II Community School District" — Committee on Education reporting "Ought to Pass" (H. P. 1560) (L. D. 1870)

Bill "An Act Further Defining the Definition of 'North American Indians Residing in Maine'" — Committee on Human Resources reporting "Ought to Pass" (H. P. 1375) (L. D. 1688)

Bill "An Act Relating to Cancellation of Insurance Policies under the Maine Consumer Credit Code" — Committee on Business Legislation reporting "Ought to Pass" (H. P. 1177) (L. D. 1480)

Bill "An Act to Clarify the Power of the Commissioner of Transportation and the Chief of the Maine State Police to Regulate Speed Limits" — Committee on Transportation reporting "Ought to Pass" (H. P. 905) (L. D. 1104)

Bill "An Act Relating to Eligibility of Benefits under the Employment Security Law" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-291) (H. P. 1215) (L. D. 1529)

No objections being noted, the above

items were ordered to appear on the Consent Calendar of May 13 under listing of Second Day.

Bill "An Act to Facilitate the Collection of Real Estate Taxes on House Trailers" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-290) (H. P. 672) (L. D. 847)

Objection having been noted, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-290) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act to Permit the Continuation of Mediation Services" (Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-294) (H. P. 739) (L. D. 911)

Bill "An Act Regarding Late Payment of Insurance Claims" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-295) (H. P. 930) (L. D. 1156)

Bill "An Act Creating the Bureau of Central Computer Services within the Department of Finance and Administration" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-296) (H. P. 1440) (L. D. 1789)

Bill "An Act to Repeal Exclusions Granted under the Consumer Credit Code to Certain Loans Made by Supervised Financial Institutions" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-293) (H. P. 606) (L. D. 749)

Bill "An Act to Permit the Use of Weirs and Eel Traps in Certain Washington County Waters" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-297) (H. P. 1145) (L. D. 1439)

Bill "An Act Relating to the Exclusion or Modification of Warranties on Used Consumer Goods" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-292) (H. P. 810) (L. D. 999)

Bill "An Act Relating to the Definition of Automobile Graveyard" — Committee on Legal Affairs reporting "Ought to Pass" (S. P. 401) (L. D. 1287)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of May 13 under listing of Second Day.

Tabled and Assigned

Bill "An Act Permitting Certain Graduates of Vocational-Technical Institutes to Take the Journeyman's Examination Given by the Electricians' Examining Board, the Oil Burner Men's Licensing Board or the Plumbers' Examining Board" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-127) (S. P. 335) (L. D. 1121)

Objection having been noted, was removed from the Consent Calendar.

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

Bill "An Act to Expand Transportation

Services of the Bureau of Maine's Elderly and to Provide Transportation of Blind, Disabled and Handicapped Persons" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-126) (S. P. 466) (L. D. 1519)

No objection being noted, the above item was ordered to appear on the Consent Calendar of May 13 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 Second Day:

Bill "An Act Relating to a Third Fifty-two Week Extension for Vocational Rehabilitation under the Workmen's Compensation Statutes" (S. P. 292) (L. D. 1017)

Bill "An Act to Revise Certain Statutory Provisions for the Licensing of Boarding Homes and Day Care Facilities" (H. P. 864) (L. D. 1073)

Bill "An Act to Increase the Fine for Molesting Traps" (C. "A" H-277) (H. P. 1143) (L. D. 1437)

Bill "An Act Prohibiting the Shooting of Hunting or Sporting Dogs" (C. "A" H-275) (H. P. 1157) (L. D. 1451)

(H. P. 875) (L. D. 1049) Bill "An Act to Establish the Uniform Disclaimer of Transfers under Nontestamentary Instruments Act" (C. "A" H-282)

(H. P. 877) (L. D. 1051) Bill "An Act to Establish the Uniform Disclaimer of Transfers by Will, Intestacy or Appointment Act" (C. "A" H-281)

(H. P. 722) (L. D. 899) Bill "An Act Relating to Executive Sessions of Public Bodies or Agencies" (C. "A" H-286)

(H. P. 848) (L. D. 1035) Bill "An Act to Clarify Certain Provisions of the Maine Right to Know Law" (C. "A" H-285)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was 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 Authorizing and Directing the Department of Health and Welfare to Propose Certificate of Need Legislation" (H. P. 1573) (L. D. 1878)

Bill "An Act Exempting Members of Maine's Indian Tribes from the Atlantic Salmon Fishing Stamp Fee" (H. P. 1376) (L. D. 1707)

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 Relating to Public Rest Room Facilities in Department Stores and Supermarkets" (H. P. 1312) (L. D. 1593)

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

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I was of the opinion that this was brought back last week and it was to be amended, and I would hope somebody would table it for one legislative day or two.

On motion of Mr. Finemore of

Bridgewater, tabled pending passage to be engrossed and tomorrow assigned.

Amended Bills Tabled and Assigned

Bill "An Act Amending Certain Laws Relating to Games of Chance" (H. P. 483) (L. D. 602) (C. "A" H-279)

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

(On motion of Mr. Burns of Anson, tabled pending passage to be engrossed as amended and tomorrow assigned.)

Bill "An Act to Establish the Maine Building Code" (H. P. 1346) (L. D. 1810) (C. "A" H-283)

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

(On motion of Mr. Dam of Skowhegan, tabled pending passage to be engrossed as amended and specially assigned for Wednesday, May 14.)

Bill "An Act Concerning the Purchase of Tax Delinquent Land by Municipal Officials" (H. P. 941) (L. D. 1180) (C. "A" H-284)

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

(On motion of Mr. Dam of Skowhegan, tabled pending passage to be engrossed as amended and tomorrow assigned.)

Bill "An Act Relating to the Games of 'Beano' and 'Bingo'" (H. P. 1277) (L. D. 1755) (C. "A" H-259)

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

Mr. Perkins of Blue Hill offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-278) was read by the Clerk and adopted.

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

Passed to Be Enacted

An Act Concerning the Jurisdiction of the Courts (S. P. 374) (L. D. 1201)

An Act Relating to the Validity of Absentee Ballots (H. P. 31) (L. D. 39)

An Act Relating to Fire Protection for Township 8, R. 4 and Township 10, R. 6 (H. P. 885) (L. D. 1056)

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)

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

An Act Relating to Amount of Annual Excise Tax on Railroads (H. P. 1494) (L. D. 1740)

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move that this item and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves the House indefinitely postpone this bill and all accompanying papers.

The gentleman may proceed.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I want to remind you that this is a \$615,000-plus gift to one corporation.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill has had a lot of go around in here. It finally came through the other body very successfully and it passed in here very nicely the other day, in fact, 2-1. I would ask for a division on the motion and hope that you vote against indefinite postponement.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, as I have stated before, our railroads in Maine have never been subsidized by the federal government and we hope to heaven they never have to be. We have held on in the State of Maine — I am not a stockholder, I might mention, someone might think I am, I am not a stock holder of any railroad whatsoever, haven't anything to do with them, don't even ship over them any more, but we certainly need them. We need the one in Aroostook County, the Bangor and Aroostook and we need the Maine Central in the worst way. Little things like this, this is just a one-shot deal, little things like this will keep them going.

As I stated the other day and I hate to keep repeating it, the only reason they had a surplus this year so they are paying this is the fact that they are salvaging track, taking track up and building it over in other places. I hope you will vote against this indefinite postponement motion. When the vote is taken I ask for the yeas and nays.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion of the gentleman from Farmington, Mr. Morton, for indefinite postponement. I think Mr. Finemore has outlined this quite well to you that it is only a one-shot deal and I think that with the order that we passed of Mr. Smith's for the study and limiting this to just a two-year period, that we would be in pretty good condition to pass it.

Since the first time this has come around, I have received letters from three industries in my area asking me to support this bill. Of course, I have been on the support side all the way along, so it didn't take much and with the letters in no way had anything to do with it because these came after the first time around.

One of these is a small industry that has a plant in the town of Solon and another plant in the town of Skowhegan, namely Solon Manufacturing. The other plant which I am concerned with, because it is only 12 miles away from my town, is the Kennebec Pulp and Paper Company; they are in the town of Madison, Representative Berry's town. They have been hard hit and they have done an excellent job of keeping their plant operating on a part-time basis, but they hope to get back into full production, and in their letter they stated that this incentive per diem part of the law on railroads, the excise tax law, it helped them tremendously by having the Maine Central always have a sufficient supply of box cars ready so they could ship their products and get their wood and pulp back into the mills. It is because of this — and also the new plant that is going up in

Skowhegan was started out as \$171 million now is \$250 million, this again will require railroads to move the logs and move the products out of the mill, as well as moving in or move out.

I think that this is a one-shot deal, and as I said previously what we have never had, we have never lost. This was something the federal government never intended the State of Maine to have a windfall tax on this and it would be a real detriment to the railroads. I think Mr. Finemore stated it quite well, that we are very fortunate in Maine that we have got a sovereign railroad, and we are not like the rest of the country asking for subsidy every day either from state government or federal government. So I hope you would oppose the motion of indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: We have beat this issue around for quite some time now. I don't expect that anything that I or anybody else might say would make much difference. Mr. Dam, more than once, has said we won't miss what we have never had. While that may be true, I would like to remind Mr. Dam that if you have never had it you might have missed it.

There have been a good many bills before us this session that have called for an exclusion of some sort of tax, and I have voted against every one of those. I voted against a bill that came in here that dealt with giving credits for boat taxes, or something similar to that. That bill would have certainly benefited a lot more people than this one is going to. I just can't see handing out \$600,000, and it is going to be very difficult for me to go ahead later on and vote to pass any kind of a tax, an increase on cigarettes, liquor, anything, I am not going to give money away with the left hand and then turn around and ask somebody else to put it back in here with the right hand.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The railroads in the cities where they have paper mills are very important. The City of Westbrook now is going through a very devastating period in our paper mill. We lost four paper machines about a month ago and it is going to affect, before this gets done, I don't dare to guess how many people, but we lost 153 on May 5. We have lost 20 percent of the coating department. The industry of the railroads are very important to the working people of Westbrook. I don't live in the country, I don't live in Buxton, so I can't say what effect it would have up there, probably none, but I do know there are a lot of people who live in Buxton who work in the paper mill, or they did. There have been a lot of layoffs and maybe we don't have so many now, but the paper industry needs railroads. I would say now, help them out before we have another sugar beet where members of this legislature threw money away right and left for a sugar beet industry that didn't amount to a thing to this state. Help them out now when they need it and maybe we won't have to help them later on.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I don't object to spraying the forest for you. You asked us to vote for that and I voted for it ten

years ago and I voted here recently. I am helping the pulp and paper industry all I can. I practically give them my pulp, they don't want to pay anything for it. They haul it by my house all the time, buying it on weight and short changing us all the time. Now you want to give them \$600,000. Well, I have got a very good suggestion; let's put it out to referendum. Let's see if the people of the State of Maine want to give away \$600,000. This is the old way to do it, come down here, private interests, and ask for \$600,000, next year you will ask for a million. Two years from now you will ask for a million five. There is no end to asking. It is just like a kid, you give him a lollipop, next time he wants two and the next time he wants three.

I was stopped in the corridor by a lobbyist, he said, "Do you realize what you are doing? You are increasing the tax eight times." I said, "Eight times?" He said, "That's right." I said, "Eight times what?" Eight times zero is zero, 8 times one-quarter is only two percent.

I want the pulp industry to survive, but I don't want to starve to death while they are surviving. There are a lot more people than those who work in the pulp mills.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: One quick final word. This is one of the most skillful jobs of lobbying I have ever seen done. No one in this House talks about the railroads, all they talk about is everybody else and all the problems they are going to have. That is the greatest way I ever saw to get somebody off your back.

There is nothing in this bill that says any other industry will suffer if this bill is killed. It sure is a one-shot proposition, one shot of \$615,000 in the pockets of the stockholders of one company. If you think the citizens of the State of Maine want you to vote for that, go ahead and vote.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Morton and I are the very, very best of friends. We are on the same committee and he does a good job with taxation, as I hope I do. I do not like that last remark he made, putting it in the pockets of the stockholders; this is very untrue. They have paid dividends once or twice in the last ten years, and this year there would be very little go into the pockets of the stockholders, and if something doesn't go in the pockets of the stockholders, why are they going to continue to keep these railroads going. It is just as true as anything that is on the stock market. If you have got a stock on the stock market today that is 20 and tomorrow the dividend goes off, the dollar or 50 cent dividend, what happens to the stock? In a matter of weeks it is down to six or seven. Why speak of that? I am not contradicting anything else Mr. Morton has said, but when you say you are going to put it in the pockets of the stockholders, that is very untrue and a very poor statement. It is not going in the pockets of the stockholders, it is going in to keep these railroads going.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This is a point that has been up before us several times about whether or not it goes to the stockholders. IBM is a stock that we are all

quite well acquainted with and the earnings of that company, very little of it goes in the form of dividends to the stockholders, but as they generate profits or improve the condition of the company, this all accrues to the stockholders and is reflected in the value of the stock. Another one, Christiana Securities I believe is the ownership of Dupont and they pay no dividends at all, but as their earnings are fed in there, why it just increases the value and they would rather not, when they are in a high tax situation they would rather not have dividends. So, don't you doubt for a second but what if you put \$600,000-and-some-odd through this bill into that company, that it doesn't go to the ownership, where else would it go?

I hope that finally today we will act responsibly.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would point out to the gentleman from Pittsfield, Mr. Susi, that some of that \$600,000 is going towards the paying of some 35 employees in the Waterville yards rebuilding cars.

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 Farmington, Mr. Morton, that the House indefinitely postpone Bill, "An Act Relating to Amount of Annual Excise Tax on Railroads," House Paper 1494, L.D. 1740, and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Blodgett, Carpenter, Carroll, Clark, Connolly, Cooney, Davies, Doak, Drigotas, Gauthier, Goodwin, H.; Gray, Greenlaw, Hall, Henderson, Hobbins, Hughes, Immonen, Kennedy, LaPointe, LeBlanc, Leonard, Mackel, Martin, R.; McMahon, Mitchell, Morin, Morton, Mulkern, Peterson, T.; Post, Powell, Quinn, Rollins, Spencer, Sprowl, Susi, Talbot, Tarr, Theriault, Tozier, Wagner, Walker, Wilfong.

NAY — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Chonko, Churchill, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Hennessey, Higgins, Hinds, Hunter, Hutchings, Inegneri, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Laffin, Laverty, Lewin, Lewis, Lizotte, Lovell, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McBairty, McKernan, Miskavage, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Strout, Stubbs, Teague, Tierney, Torrey, Truman, Twitchell, Usher.

ABSENT — Bennett, Carter, Connors, Dow, Goodwin, K.; Hewes, Jalbert, Littlefield, Lunt, Lynch, Mills, Peakes, Tyndale, Webber, Winship.

Yes, 45; No, 89; Absent, 15.

The SPEAKER: Forty-five having voted in the affirmative and eighty-nine in the negative, with fifteen being absent, the motion does not prevail.

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Having voted on the prevailing side, I move now that we reconsider our action whereby this bill was passed to be enacted and I hope you vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the House reconsider its action whereby this bill was passed to be enacted. All in favor of reconsideration will say yes; those opposed will say no.

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

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

Bill "An Act Relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 910) (L. D. 1109) — In House, Minority "Ought to Pass" Report of the Committee on Business Legislation read and accepted and Bill Passed to be Engrossed. — In Senate, Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted in non-concurrence.

Tabled — May 8, by Mr. Dam of Skowhegan.

Pending — Motion of Mrs. Clark of Freeport to Recede and Concur.

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

Mr. DAM: Mr. Speaker and Members of the House: I am having an amendment prepared but evidently the presses are not printing out any amendments other than the amendments to L. D. 1452 today, because there are 19 pages in one and they told me it's going to be quite a while because they've got ten more coming over, so I would hope that someone would table this for one day.

Thereupon, on motion of Mr. Rolde of York, tabled pending the motion of Mrs. Clark of Freeport to recede and concur and later today assigned.

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

Mr. CARROLL: Mr. Speaker, on page 3, item 13, there is a non-concurrent matter. It so happens that I was away from my seat at the time trying to get a printout from the Senate and this is Bill "An Act to Require Bicycle Safety Education in Public Schools," House Paper 1079, L. D. 1359. I would like to have this body reconsider its action whereby we accepted the minority report.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that the House reconsider its action whereby on L. D. 1359 the House voted to recede and concur. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

Thereupon, on motion of Mr. Peterson of Caribou, tabled pending the motion of Mrs. Lewis of Auburn to recede and concur and tomorrow assigned.

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

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) - In House, Passed to be Engrossed. In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-125), in non-concurrence.

Tabled — May 8, by Mr. Talbot of Portland.

Pending Further Consideration.

Thereupon, the House voted to recede and concur.

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

House Report — "Ought to Pass" as amended by Committee Amendment "A" (H-268) — Committee on Election Laws on Bill "An Act Concerning the Furnishing of Updated Voting Lists by Registrars" (H. P. 1020) (L. D. 1299)

Tabled — May 8, by Mr. Talbot of Portland.

Pending — Motion of Mr. Berry of Buxton to Indefinitely Postpone Bill.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland, Mr. Jensen, has done an admirable job in drafting up an amendment that will make this bill all right as far as I am concerned; therefore, Mr. Speaker, I withdraw the motion to indefinitely postpone.

The SPEAKER: The gentleman from Buxton, Mr. Berry withdraws his motion to indefinitely postpone.

Thereupon, on motion of Mr. Jensen of Portland, the Report was accepted.

Committee Amendment "A" (H-268) was read by the Clerk.

On motion of Mr. Jensen of Portland, the Amendment was indefinitely postponed.

The Bill was assigned for second reading tomorrow.

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

Bill "An Act Relating to Motor Vehicle Excise Tax" (S. P. 293) (L. D. 1018)

Tabled — May 8, by Mr. Higgins of Scarborough.

Pending — Passage to be Engrossed.

On motion of Mr. Higgins of Scarborough, retabled pending passage to be engrossed and specially assigned for Wednesday, May 14.

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

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Legal Affairs on Resolve, to Reimburse Briana Hinkley of Wilton for Injuries Received in the State Forestry Building at Weld (H. P. 1481) (L. D. 1772)

Tabled — May 8, by Mr. Finemore of Bridgewater.

Pending — Motion of Mr. Faucher of Solon to accept Minority "Ought to Pass" Report.

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

Mr. CAREY: Mr. Speaker, I notice Mr. Faucher is not in his seat this morning and I would hope that somebody might table this. Mr. Speaker, I have been pointed out that Mr. Faucher is in the room and possibly he can answer a few questions on this matter then.

This is something that happened at a state building involving some relatives who were invited to visit the people that were running the establishment, and Mr. Faucher may be able to carry us through the series of events that happened there. I am one of those who signed the majority "ought not to pass" report. I don't feel that the state should have assumed any responsibility whatsoever for the negligence of the grandparents that were there and it sets a bad precedent for the state to pick up.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that I was asked to put in by Mrs. Hinkley and I have a letter here that I would like to read that she has written. She sent in a letter to Fred Holt. This is the answer she got from him. "Your report of injury of your daughter by your letter of February 22 has been received. I am sorry for this occurrence and hope Briana is progressing well toward recovery. The only recourse you have when the state is involved is through a legislative Resolve to recover your costs. You should start with Representative Maxwell of Jay and ask him to introduce a Resolve in your behalf." Evidently, it hasn't got around yet but Wilton is my town. "I believe Joint Rule 10 provides the late filing of Resolves if you wish to apply, you should do so immediately." This is from Fred Holt, the Director of Forestry.

We, of course, could go another route and sue the state, but for a matter of \$220, I think this would be an easy way to paying the bill. I would hope I could answer any questions.

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

Mr. CAREY: Mr. Speaker, It is not a matter of \$220; it is the idea behind the whole thing, the principle, the opening of the door that we are concerned with and maybe the gentleman from Dixfield, Mr. Rollins, can tell us exactly what happened that created the situation where the request for the \$220 was made to the state, the accident itself, who the people were, who they were visiting.

The SPEAKER: The gentleman from Waterville, Mr. Carey has posed a question through the Chair to anyone who may care to answer.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: In answer to the gentleman's question, this little girl, Briana, is, at the present time, 20 months old and she had the misfortune to be missing in the State Forestry Building in Wells and through no fault of hers or her parents, I believe, managed to fall down the stairs; and in doing so, she had a buckle fracture of the right femur. The bill that I have here comes to \$233. They only ask for \$220, because some of this was paid, the first bill from the doctor was paid by the grandmother. After that, they felt that after writing to Fred Holt, they should be reimbursed by the state for the amount of \$220. I have the bill here from the doctors, Dr. Eastman, Dr. Condon, Dr. Dixon; the people who performed whatever had to be done to the little girl.

I don't know if that answers the question or not but I wasn't there at the time, so I can't tell you much more.

The SPEAKER: The Chair recognizes

the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: Being one of the signers of the "Ought not to pass" report, I would like to give you my reasons for signing that in this manner. This child was approximately 15 months old when this accident occurred and it was through no fault of the Forestry Department of the State of Maine that this child fell. There was no negligence on the part of the state whatsoever, and this has never been stated in any manner. Therefore, I felt that a child this young should have been under the control of some adults in that building and that not be the state's problem.

The SPEAKER: The pending question is on the motion of the gentleman from Solon, Mr. Faucher, that the House accept the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Rollins of Dixfield 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 Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: Evidently it is easier to get money when a bear knocks over a beehive than it is when a little girl gets hurt.

I was disappointed with the vote on the division, that is why I ask for a roll call, because I still feel that this is the responsibility of the Department of Conservation. This letter that I read you from Fred Holt practically tells you this. I don't know if you heard me or not, but he admits that they are self-insured and when you are self-insured, you are supposed to pay whatever happens on your premises. Myself, I have an insurance that covers this at my home and I suppose most of you do. I would hope that you would vote with the minority report.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: We're asking for \$220 to help somebody, that poor little girl 20 months old, who fell down the stairs. There was no insurance. We just voted to give the railroad quite a sum of money — about \$600,000. I hope you see in your heart today that \$220 — maybe it is not the right thing to do, but by God, I feel it is, so I hope we see some green lights up there when this thing comes up for a roll call.

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

Mr. CAREY: Mr. Speaker and Members of the House: The Chairman on Legal Affairs is correct. It is not the right thing to do. While the state may be self-insured in this matter, it has assumed exactly zero for liability, and if Mr. Holt had come before the committee and said in any way that he thought that the state was liable for what had happened, this committee would have voted unanimously "ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies

and Gentlemen of the House: I feel I must rise in support of this minority report, because originally Mr. Holt did write me a letter. He sent a letter, a copy of it, to this lady, and I turned it over to John Rollins because it was in his district and not mine. Now I feel a little bit guilty; perhaps I should have done it myself. Not that it would make any difference in the feelings of the people in here, but I certainly hope that we do accept the minority "ought to pass" report.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I signed "ought not to pass" on a principal reason that we should not be handling this type of legislation here. We have an L. D. that is out now, I believe, and I do not know whether it has been signed yet or not, but L. D. 460 will take care of this very nicely without us having to bother with it.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: as a member of the Legal Affairs Committee, I voted to pay for this injury which consists of only the doctors' bills. I, too, have rental properties and this is not a case of liability. This is the rider that is on most policies; if somebody visiting you trips on the back steps or the front steps; tears clothing, turns their ankle, it doesn't assume the liability, it pays for the damage. Here is a little girl 20 months old. You've just got to face it; mothers can't be everywhere.

The SPEAKER: The pending question is on the motion of the gentleman from Solon, Mr. Faucher, that the House accept the Minority "Ought to pass" Report. A roll call has been ordered. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Boudreau, Bowie, Bustin, Carpenter, Carroll, Chonko, Churchill, Clark, Connolly, Curtis, Davies, Doak, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Greenlaw, Hall, Henderson, Hobbins, Hunter, Hutchings, Immonen, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kennedy, LaPointe, Lewin, Littlefield, Lovell, Lynch, MacEachern, Mahany, Martin, R.; Maxwell, Mills, Miskavage, Mitchell, Morton, Nadeau, Najarian, Norris, Palmer, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Spencer, Stubbs, Theriault, Tierney, Torrey, Twitchell, Tyndale, Usher, Wagner, Wilfong.

NAY — Ault, Bachrach, Berube, Birt, Blodgett, Burns, Byers, Call, Carey, Carter, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Drigotas, Dudley, Durgin, Dyer, Farnham, Garsoe, Gauthier, Gould, Hennessey, Higgins, Hinds, Hughes, Jackson, Kany, Kauffman, Kelleher, Kelley, Laffin, Laverty, LeBlanc, Leonard, Lewis, Lizotte, MacLeod, Martin, A.; McBreairey, McKernan, McMahon, Morin, Mulkern, Perkins, S.; Perkins, T.; Pierce, Raymond, Snowe, Sprowl, Strout, Susi, Talbot, Tarr, Teague, Tozier, Truman, Walker.

ABSENT — Connors, DeVane, Dow, Goodwin, K.; Gray, Hewes, Lunt, Mackel, Peakes, Webber, Winship.

Yes, 78; No, 60; Absent, 11.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty having

voted in the negative, with eleven being absent, the motion does prevail.

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

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

House Divided Report — Majority (7) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Legal Affairs on Bill "An Act to Deter Trespass in Forest Practices" (H. P. 1333) (L. D. 1764)

Tabled — May 8, by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Faucher of Solon to Accept Majority "Ought Not to Pass" Report.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We had a bill that dealt with the same area, L. D. 1862, that was enacted last week, An Act to Protect Landowners Whose Land Abuts Land on which Ten or More Acres of Timber is to be Harvested. The final sentence says "a property owner who fails to clearly mark his property lines shall be liable in a civil action for double damages to the abutting properties" The bill, L. D. 1764, which is "An Act to Deter Trespass in Forest Practices" is one which I hope will do much more than the one we have already enacted.

In recent years, the long-standing problem of deliberate timber trespassers in the forest practices continues unabated, and the present deterrents, including the imposition of double damages where a wilful or knowing trespass in a civil action and a punishment by fine not to exceed a \$100 and imprisonment not to exceed two months in a criminal action have not proven sufficient to deter this illegal activity which imposes great hardship on many landowners. Now, under the present law, it is difficult to prove intent sufficient to obtain a criminal conviction or the imposition of double damages, and equally important in many instances, a landowner cannot prove the precise location of his boundaries without incurring an exorbitant expense of having a survey conducted.

Under L. D. 1764, there is an imposition of treble damages. I don't know as that itself will be the answer, but I am sure it will do much more than what would be accomplished under the one that we enacted last week. It is unfortunate that both bills were not heard and were not presented at the same time. The bill that we are talking about now requires a filing notice of cutting operations, with a dollar fee for the clerk, forester or forest ranger.

Notices will be available to the public and the burden of proof and subsequent legal action where notice not filed in any trespass action brought by a landowner against an operator, based on an operation for which a notice was not filed as required by this section, if the plaintiff alleges in good faith on a verified complaint that the operation constitutes a trespass against his property and submits creditable evidence. So I think what you are doing, under 1764 is to give the owner of any timber lands more protection than he has had in the past, even with the bill we passed last week.

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I was the one that

presented the other bill, 1862, and it has been enacted by both branches and is now down on the Governor's desk. I don't know if it has been signed or not. I tried to make mine as simple as I could but still cover all the problems and the members of the committee felt, I guess, that it was a good bill because they passed it out unanimous. It just simply says that if a landowner is going to let someone in to cut his timber along the boundaries, he shall be responsible to mark it so that whoever is doing the cutting won't have any excuse to cut over the lines. I feel that it will take care of the problem. At least I would like to see it given a chance. This one that Mr. Lynch has presented is quite a bit more complicated. They have to go to the clerks, town clerks, and fill out forms, etc. It also makes the damage triple, which I feel is a little bit stiff. I think the double damages, the way it is now, is sufficient, so I hope you accept the "ought not to pass" report on this one.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: We heard another bill of Mr. Lynch's before Natural Resources, which is similar to this one, only that it requires the small landowner, before he starts cutting any timber or pulp on his lot, to fill out some forms and notify the people that he is doing it, and the small landowner is very much opposed to having this restriction placed upon him and I also hope that you will vote for the "ought not to pass" report.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Yes, the small landowner, the timber landowner, is opposed to restrictions of any sort, but he is the very first to complain if somebody cuts on his property and he still has no protection.

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

Mr. TIERNEY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Livermore Falls. Does this bill incorporate the criminal penalties which exist in Title 17? In other words, is a misdemeanor conviction or accusation involved in this legislation?

The SPEAKER: The gentleman from Durham, Mr. Tierney, poses a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, under Title 17, Section 3856, in a criminal action.

The SPEAKER: The pending question before the House is on the acceptance of the Majority "Ought not to pass" Report. The Chair will order a division. Those in favor of the Majority "Ought not to pass" Report you will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 11 in the negative, the motion did prevail.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (6) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Legal Affairs on Bill "An Act Relating to State, County and Municipal Procurement of Engineering, Architectural and

Construction Consultant Services" (H. P. 1342) (L. D. 1770)

Tabled — May 8, by Mr. Talbot of Portland.

Pending — Motion of Mr. Carey of Waterville to Accept Minority "Ought to Pass" Report.

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

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

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-272) — Committee on Legal Affairs on Bill "AN Act to Legalize Gambling" (H. P. 1388) (L. D. 1773)

Tabled — May 8, by Mr. Strout of Corinth.

Pending — Motion of Mr. Carey of Waterville to accept Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I move that this L.D. and all its accompanying papers be indefinitely postponed.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill which was presented by myself to the Committee on Legal Affairs at the request of one of the citizens of Waterville.

It has not turned out as the gentleman from Waterville wanted it to come out. He originally had asked that a bill be sponsored which would have set Waterville apart from the rest of the state and have Waterville accept gambling. Even I couldn't buy that and I don't know if it was as legislator or as the Mayor, but with either hat on, I couldn't buy that.

I went to the Attorney General's Office that said if it was going to be legalized at all, it had to be done on a statewide level.

There is no need of kidding ourselves, gambling is here in Maine, whether you want to admit it or not. We do have Lucky Seven, Punch Boards, we are getting an influx now of the so-called slotless slot machines to beat the slotted slot machine law. We have lotteries, beano, bingo, horse racing, so gambling is here.

The committee heard the bill and has attached, at least a minority of the committee, has attached an amendment to it which would send it out to the people for referendum. Later on, we are going to hear of some other bills that are going to have referendums attached to them and it certainly is a decision that cannot be made, I don't think, by this Legislature, without the thinking of the people themselves.

Basically, the bill was put in so that we could generate some knowledge as to what is going on in gambling.

Interestingly enough, I have contacted the gambling commission in Nevada and they have refused to be of any help in this matter, and the reason that they refuse to be of any help in the matter is because they don't want other states to study gambling. They have the control of it now and I was so informed by a member within the staff of the gambling commission. So, it makes it very interesting in that we are not going to get any help from those people in trying to keep gambling as a clean, so-called,

enterprise. This bill, as it was presented to you and as you are about to vote on it, does have a committee amendment on it which would call for a referendum by the people and they would be the ones who would decide on it.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I find myself regretfully in opposition to the good Mayor of Waterville. Originally, I suppose it was the intent of his constituent to make Waterville the jewel of Maine, a place which would be blossoming forth in casinos of all kinds. Perhaps, if it was to such a limited scope, Waterville should have gotten it and then Waterville should have been condemned to live with its sin and misery, not the sins and misery which accrue from dollars coming down in a waterfall but the sins and the miseries of the people who would be attracted to Waterville and who would leave behind their well-earned dollars.

Mr. Carey has stated that he communicated with the commission in Nevada. I have had a kind of checkered career, as some of you may know, and I have kind of touched bases on many things and about 20 years ago, I was sent out to Las Vegas, Nevada, with a Task Force, and in the arrogance and the confidence of the U.S. Government, we thought we were going to ferret out all of the racketeers' influence in Las Vegas.

I don't know what has happened in Las Vegas now. Howard Hughes has kind of decided to eliminate sin by just buying it all up by divisions, but I do know that about 18 or 20 years ago, the influential racketeers of Las Vegas were so great that no team of crack investigators, of which I shouldn't have been part, I was not in the category of a crack investigator, but we had about 20 people out there that no team could get down to the business of ferreting out the influence of the underworld.

We were told by the investigators of the State of Nevada that their 2 percent cut, which is what they got from the total monies gambled in Las Vegas, that they got an honest cut, well, for the life of me, I hung around the casinos in Las Vegas for all those three months with this task force and there was nobody who could say that you could ever figure out what the total cut was. At the dice tables, for example, the money would be changed at a pace that not even a computer could keep pace with, and whenever the dealer sold more chips, he took the bills which the suckers who were playing at the dice tables would give them and it would go into a slot, and every three or four hours, a goon squad from the partners of the casino would come out and this box would be slid out from under the dice table and it would be escorted, as if it was the Maharajah of India or something, back to the back room and it was in that back room when those grubby characters who ran those casinos spread the money on the table and only they and God knew the total take, not the United States Government, not the State of Nevada.

I was very happy to see that not too long ago, because of listening devices, authorized taps and whatever, that the United States Government was able to get a handle on this skimming off the top and it was only then that there were some prosecutions. I can tell you that legalized gambling may bring prosperity to an area, but I, for one, felt ashamed for the people of Las Vegas, because those of them who

had any kind of prosperity got it at the risk of those miserable people who left their fortunes behind. I think that in Las Vegas, it is almost as if when you are walking down the street, that someone is lassoing you in, pulling you into a gambling parlor, and trying to get your money away from you. A bishop in Las Vegas said, you might just as well expect a man to resist gambling as to expect him to walk between two rows of naked women and not look to left or right. I think that is what gambling is, it is sort of an enticement; it is just as if you were lassoed in, just as if you were called by the sirens of the lotus-eaters.

With all due respect to Mr. Carey, I must ask you to vote against his bill.

Mr. Truman of Biddeford requested a roll call.

The SPEAKER: In order for the Chair to order a roll call, it must have the expressed desire of one fifth of its 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 pending question before the House is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that L. D. 1773, "An Act to Legalize Gambling" be indefinitely postponed. Those in favor of the motion to indefinitely postpone will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Gray, Greenlaw, Hall, Henderson, Hennessy, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairey, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Carey, Cote, Farley, Faucher, Garsoe, Gould, Kelleher, Mulkern, Nadeau, Norris, Pelosi, Quinn, Raymond, Rideout, Truman.

ABSENT — Conners, Dow, Farnham, Goodwin, K.; Hewes, Jacques, Jalbert, Lunt, Lynch, Peakes, Webber.

Yes, 124; No, 15; Absent, 11.

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

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Snow of Falmouth, the House reconsidered its action of earlier in the day whereby Bill "An Act Relating to Executive Sessions of Public Bodies or Agencies," House Paper 722, L. D. 899, was passed to be engrossed on the Consent Calendar.

On motion of Mr. Dam of Skowhegan, tabled pending acceptance of the Committee Report and tomorrow assigned.

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

House Divided Report — Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-269) — Minority (2) "Ought to Pass" as amended by Committee Amendment "B" (H-270) — Committee on Legal Affairs on Bill "An Act to Allow Nonprofit Volunteer and Educational Organizations to Operate Games of Chance without a License from the Maine State Police" (H. P. 316) (L. D. 394)

Tabled — May 8, by Mr. Burns of Anson.

Pending — Motion of Mr. Faucher of Solon to Accept Majority "Ought to Pass" as amended by Committee Amendment "A" Report.

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

Mr. BURNS: Mr. Speaker, I have an amendment being prepared, would it be better off to let this go to second reader or attempt to do it now?

The SPEAKER: If the amendemnt deals with the Committee Amendment "A", it would be in order at this time, after acceptance of the Report. If the amendment deals with the bill itself, then it would be proper to let it go to second reading and amend at that time.

Thereupon, the Majority "Ought to pass" Report was accepted. Committee Amendment "A" (H-269) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

COMMITTEE OF CONFERENCE REPORT on Bill "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs" (H. P. 1491) (L. D. 1739)

Tabled — May 8, by Mrs. Najarian of Portland.

Pending — Acceptance of Committee Report.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I stood up here before this particular piece of legislation went to a committee of conference and I argued against the bill, although I said that there were several aspects of the bill that I could support. Real briefly, I will run through this and then I do have a motion to make.

There were two bills before the Committee on State Government, Mr. Quinn's bill and the bill of the gentleman from the other end of the hall. Mr. Quinn's bill was the portion of this version that I could accept, and we took some aspects of the other gentleman's bill, killed his bill and sent Representative Quinn's bill back out as amended. So now we get into a committee of conference report with an amendment from the other body on it, and

what we have in effect, we have a combination of both bills back again. The gentleman from the other end of the hall has got his bill right back in front of you again after the Committee on State Government — I believe it was unanimous

killed it. I resent that a little bit. I would like to point out to you one thing about this committee of conference report, that it discriminates against an older veteran. It discriminates in favor of a veteran my age. This would put a six-year time limit on veteran's preference. So I think we should take a real close look at this, and I would move the indefinite postponement of this bill and all of its accompanying papers at this time.

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

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

Mr. QUINN: Mr. Speaker and Members of the House: The description of what has happened to the bill by Mr. Carpenter is essentially accurate, but there are some points to the amendment that were put on by the Senate and some points to the adjustment made in the conference committee which I do feel are valid. Addressing only those points which came from the conference report, and I might add the conference report was unanimous on the part of both Houses, the veteran's preference, as Maine gives it in its employment system, is to award a certain amount of points to the qualifying score on the examination which any applicant for a job must take. In the past, a veteran has enjoyed this point advantage for life.

As a result of a study done by the State Government Committee over the past year from the 106th Legislature, among the personnel improvements was this particular law. The actual point preference in practice is working to the disadvantage of two classes of people in the actual matter of getting a job every day: One is women, because by the very fact that there are relatively few women veterans, whether it is through their own fault or through the fault of whoever chose their sex to begin with, the fact remains that it does work to their disadvantage: and secondly, and from my point of view more importantly, it works to some extent to the disadvantage of the younger veteran. By putting a time limit of six years on the time that a veteran can enjoy this five point advantage, we, in effect, give preference to the younger veteran, whom I happen to feel is generally more in need. As it is now, veterans compete absolutely equally whether you are a 12 year, 15, 20, 25, or a 2 or 3 year Vietnam dischargee, you compete on exactly the same basis. So this provision for six-year limitation would tend to equalize that provision.

It makes one other provision in that it cleans up some of the language of the present law and it allows fathers and husbands to enjoy exactly the same kind of survivor's benefits that wives and daughters enjoy and as a measure in itself, I think it is justified. I am not as wild about it as I was the first part of the bill, but I think it does clean up an existing inequity. I think it makes things better for the veterans themselves. It does exclude, for example, any disabled veteran and it does exclude any time spent in education. If a veteran would get out from the service under the suspend of four years, that does not operated against this six years' extension he would then in effect be having what amounts to ten years.

I feel the bill is a justified measure, I feel it will improve the personnel practices of the state. I feel that it will tend to equalize things among those veterans most in need, and I think that it is worth your vote, so I would urge acceptance of the committee report.

Thereupon, on motion of Mrs. Najarian of Portland, the Conference Committee Report was accepted.

The House voted to recede from passage to be engrossed.

Senate Amendment "A" was read by the Clerk.

Conference Committee Amendment "A" (H-273) was read by the Clerk and adopted.

Senate Amendment "A" as amended by Conference Committee Amendment "A" thereto was adopted.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "A" as amended by Conference Committee Amendment "A" thereto sent up for concurrence.

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

Bill "An Act to Increase the Veteran's Property Tax Exemption." (H. P. 1174) (L. D. 1172). In House, Passed to be Engrossed as amended by House Amendment "D" (H-224) In Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-122) in non-concurrence.

Tabled — May 9, by Mr. Maxwell of Jay.

Pending — Further Consideration.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: As I said a few days ago, this is my bill, but it has been kicked around so much, so many amendments have been added to it and subtracted from it and one thing or another, I have talked with some of the veterans organizations, some in my own area, some from the state level, and they don't like it, they don't want what we have got now at the moment so I ask again to indefinitely postpone this bill and all accompanying papers.

The SPEAKER: The Chair would advise the gentleman that the motion to indefinitely postpone is not in order since this is a non-concurrent matter with the other body. You can either move to adhere, to insist, to recede or to recede and concur.

The Chair recognizes the same gentleman.

Mr. MAXWELL: Mr. Speaker, I would move that we adhere.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: We talked this at length the other day and I don't think it needs a great deal of repetition. What you have in the bill before you, as it is written now with the Senate Amendment, is essentially a property tax reform. The veterans are authorized a \$3,500 exemption. We were willing to give them \$5,000 if we could get, at the same time, a property tax reform, as I explained the other day. The Senate wouldn't go along with the sweetener to \$5,000, they have dropped it back to its original \$3,500.

While I personally would support a small exemption for veterans, I don't feel at this time the bill deserves to be killed. It still is a property tax reform; it is fair to the veterans. I can take you to Cumberland

County alone and I will give you just one illustration and be quiet. In Cumberland County, if a veteran owns a house whose market value is \$35,000 and that House is located in Portland, he is exempt \$3,500 on that house and he pays taxes on the remaining \$31,500. If he lives in the town of Sebago, which is about 12 miles away and in the same county and he lives in a \$35,000 house, he pays absolutely no property tax. He pays zero, because Sebago only figures their tax ratio at about 10 percent of true market value. I maintain that this is an inequity among veterans as much as it is to the taxpayers of the property of Sebago. I think we should clean it up, and the bill as you see it now provides that veterans shall be forgiven \$3,500, based on the market value of the house, the term is just, and I urge passage of the bill.

Mr. Speaker, I move we recede and concur.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support the recede and concur motion so as to keep this bill alive and hopefully pass it in its present form, which is \$3,500 of just value or market value, as the gentleman from Gorham has expressed it.

I favor the bill in its present form for this reason, that it does, as the previous speaker has indicated, give equal treatment to veterans wherever they reside in the State of Maine. As the previous speaker has said, in some instances under our present setup, veterans receive ten times the benefit that they do if they should happen to reside in a different community. This would be corrected if we were to recede and concur and pass this bill.

I would further comment that this would create no strain on any municipal budget in the State of Maine. There would be no additional load on any community in this state if we were to recede and concur and pass this bill, which I hope you will do.

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

Mr. VINEMORE: Mr. Speaker and Members of the House: Very briefly, I, too, go along with recede and concur. I will say this will help some veterans and hurt some and that is about all I will say.

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

Mr. MULKERN: Mr. Speaker and Members of the House: Also as a member of the Taxation Committee, I am willing to go along with the recede and concur motion. I went along with the compromise for \$5,000 but since it appears that the other body isn't interested in that, I think we should dispose of this matter once and for all and vote to recede and concur.

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

Mr. CAREY: Mr. Speaker and Members of the House: In going over the Senate calendar the other day, I noticed where House Amendment "D" and that Senate Amendment "B" had been adopted. They are in conflict with each other and would the Clerk advise me if House Amendment "D" had been stripped off.

The SPEAKER: The Chair would advise the gentleman that House Amendment "D" was indefinitely postponed in the Senate on May 8.

The Chair recognizes the same gentleman.

Mr. CAREY: Mr. Speaker, Ladies and

Gentlemen of the House: Theoretically, what we are doing is giving the veteran less than what he had when the session started. It is my understanding that Senate Amendment "B" puts a just value at \$3,500 so that it equalizes. In my community, the veteran will stay where he is, except that he might lose a little because we are under the 100 percent, we are down around 93 or 95, but in the smaller communities that are at 30 and 40 percent, the veteran is going to lose everything.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: As I come from an area that is on a 25 percent basis and I see that my veterans tax situation is going to go up three times, when the vote is taken, I would ask for a roll call.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I hate to be redundant, but we are right where we were the other day before we put the amendment on. We have a bill, "An Act to Increase the Veteran's Property Tax Exemption" and it does not do that. It is going to invoke a hardship on many of these older people in these smaller communities by straightening out the amount that they tax on.

It is completely unfair, in my opinion, that the \$5,000 figure — I felt it was something that the older veterans could probably live with, but this is certainly a misnomer, because you are not increasing the veteran's property tax exemption at all, you are decreasing it in many, many areas.

I would hope that you would vote against the motion to recede and concur and the very least that we do is to ask for a committee of conference and see if we can square this away with the Senate and if we can't, then the bill should be killed, no question about it.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I concur with what the gentleman from Brewer just said, that perhaps we ought to try to work this bill out. My reason is, because as I read this bill now, the best any veteran is going to do is stay even, and I would guess that would be a very small percentage of them and all the rest of them are going to lose money on this. I would like to pose that as a question to anybody that could answer it, whether in fact that is true under the way this amendment is worded.

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

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

Mr. QUINN: Mr. Speaker and Members of the House: I would answer Mr. McKernan's question in the affirmative. No veteran will gain money through this. Veterans who live in towns that have 100 percent valuation will remain exactly the same. Veterans who live in towns with less ratio will pay more taxes, but I would point out that at the same time this is a highly selective veteran's benefit. This operates, number one, against the towns in which the veterans are located. The town property taxpayers pay these veterans. The state in its broad tax base does not do it. The state offers to pick up any losses towns have which is in excess of three percent. There are, for all intents and purposes, no

towns in the state who lose more than three percent. So what we are talking about is a benefit for veterans which is paid by the property taxpayers in that veteran's community and in the community of Sebago and several hundred others I can read you from this list, the other property taxpayers are paying a disproportionate amount and some of these taxpayers are old and disadvantaged and poor and some of those taxpayers need just as much help as the veterans and to ask the town of Sebago, for example, to exempt a veteran from \$35,000 house any taxes whatsoever is irresponsible on the part of this legislature.

If a veteran does not have property he doesn't get this benefit. Why should one veteran get an exclusion for \$35,000 worth of real estate and another veteran get absolutely zero? The principle behind the bill is an equalization of tax and it is desirable, it is something we should have. If we then subsequently as a legislative body decide that we want to do something for our veterans, then let's do it on a state basis, let's do it for all veterans and let's pay for it out of state funds instead of loading it onto the old folks in the town of Sebago.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: For quite a number of years I have been Legion Service Officer in my area and I have performed many unpleasant duties like the burial of the war dead when they return from the war. For those that returned alive, many of them ask very little of their community, but they always knew that as they reached the golden age that there would be a little tax benefit, a little gratitude, and I am very, very much upset when I heard the gentleman over on the left today and he wants to do something for the veterans with one hand but he is taking away with the other. I don't believe in double talk, let's not kid each other. I am afraid pretty soon you are even going to want to take that tax that the federal government gives the dead veteran away from him. It appears to me that there is a little low blow going on here, and I don't like, and I don't mean maybe.

I am going to call a spade a spade, and I think it is high time that we begin to put that veteran up on a little pedestal where he belongs. He went forth to give his life for his country and he did not point his finger everywhere and say ask the other guy, he went forth and he returned with honor. I think when I see 151 members here kneeling down and giving in to the other body at the other end, I wonder who is showing the strength here today. They have got the Appropriations Table, they are reading the riot act to us on everything, and yet you tell me that this body is legislating, I ask you now, I ask you to join me, put that \$5,000 there and leave it there, and let us get our point in.

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 Gorham, Mr. Quinn, that the House recede

and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Connolly, Curran, P.; Davies, Durgin, Gray, Henderson, Hinds, Hughes, Immonen, Jensen, Kany, Kauffman, Kennedy, LaPointe, Leonard, Littlefield, Lovell, Mitchell, Mulkern, Najarian, Post, Quinn, Rideout, Snow, Stubbs, Susi, Talbot, Usher, Wagner.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Cooney, Cote, Cox, Curran, R.; Curtis, Dam, DeVane, Doak, Drigotas, Dyer, Farley, Farnham, Faucher, Fenlason, Finmore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Gould, Greenlaw, Hall, Hennessey, Higgins, Hunter, Hutchings, Ingegneri, Jackson, Jalbert, Joyce, Kelleher, Kelley, Laffin, Laverty, LeBlanc, Lewin, Lewis, Lizotte, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBairty, McKernan, McMahon, Miskavage, Morin, Morton, Nadeau, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Powell, Raymond, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snowe, Spencer, Sprowl, Strout, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Walker, Wilfong, Winship, The Speaker.

ABSENT — Conners, Dow, Dudley, Hewes, Hobbins, Jacques, Lunt, Mills, Peakes, Tyndale, Webber.

Yes, 29; No, 109; Absent, 12.

The SPEAKER: Twenty-nine having voted in the affirmative and one hundred and nine in the negative, with twelve being absent, the motion does not prevail.

Thereupon, on motion of Mr. Carey of Waterville, the House voted to insist and ask for a Committee of Conference.

On motion of Mr. Rolde of York, the House reconsidered its action whereby An Act Declaring the Lewiston-Auburn Water Pollution Control Authority to be a Quasi-municipal Corporation, Senate Paper 316, L. D. 1093, was passed to be enacted.

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 those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

118 having voted in the affirmative and none in the negative, the motion did prevail.

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

On request of Mr. Rolde of York, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

The SPEAKER: The Chair recognizes

the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, relative to item 11, page 14, having voted on the prevailing side, I move we reconsider our action and I hope you vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House reconsider its action of earlier today whereby the House voted to insist and ask for a Committee of Conference on Bill "An Act to Increase the Veteran's Property Tax Exemption," House Paper 1174, L. D. 1172. 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.

(Off Record Remarks)

On motion of Mr. Rolde of York, Recessed until four-thirty this afternoon.

After Recess

4:30 P.M.

The House was called to order by the Speaker.

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

Bill "An Act Concerning the Power of the Lewiston Parking District to Mortgage Certain Properties and Permitting the Taxation of Real Property of the District Which is Not Used for Parking" (S. P. 498) (L. D. 1845)

Tabled — May 9, by Mr. Carey of Waterville.

Pending — Adoption of House Amendment "A" (H-249) (Roll Call Ordered)

On motion of Mr. Rolde of York, retabled pending adoption of House Amendment "A" and tomorrow assigned.

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

Bill "An Act Relating to Contracts of Teachers with Municipalities" (H. P. 1033) (L. D. 1339) — In Senate, Passed to be Engrossed.

Tabled — May 9, by Mr. Kelleher of Bangor.

Pending — Passage to be Engrossed as amended by House Amendment "A" (H-253)

On motion of Mr. Kelleher of Bangor, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" was adopted.

The same gentleman offered House Amendment "B" to House Amendment "A" and approved its adoption.

House Amendment "B" to House Amendment "A" (H-289) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of House Amendment "B" to House Amendment "A" as being too encompassing. It would allow policemen and firemen to be a municipal official. I have an amendment which would make some changes but would not be that drastic. It would allow, actually, school people to run for municipal office and allow for municipal employees to run for the school board, but this one goes just a step too far.

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

Mr. CARPENTER: Mr. Speaker, Ladies

and Gentlemen of the House: I will be brief. This is my bill. We discussed it the other day. I concur wholeheartedly with the gentleman from Waterville, Mr. Carey, that this amendment, if adopted, would allow a fireman or would allow a municipal official in effect, to become his own boss. It would allow him to become a municipal official when in effect he is a municipal employee, whereas the bill that I have presented sets the two bodies apart and the amendment that Mr. Carey will offer in a moment does the same thing. This amendment here would muddy the waters considerably and you would have people working for themselves.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Quite to the contrary to the remarks made by Mr. Carpenter of Houlton, I suggest that it doesn't muddy the waters, what it does is clear the waters and more importantly what it does, because of the democratic principle that I believe in, it gives everybody an opportunity that works for a municipality or town to hold a public office. What is wrong with that? There is nothing wrong with that. If there is a policeman who is qualified and the voters think so or a fireman or a sanitary engineer or whatever the case may be if he is duly qualified, if he is accepted by the voters in any particular town, then why shouldn't he have the same privilege of serving on municipal boards or the city councils or any quasi-governmental authorities that are created?

I ask for the yeas and nays and I urge the House in all fairness to support this amendment.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is quite obvious to all of us in here that the gentleman from Bangor's amendment is going to amend this bill to death and I hope that you support the motion to indefinitely postpone the amendment.

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 Waterville, Mr. Carey, that House Amendment "B" to House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Birt, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Cooney, Curran, P.; Curran, R.; Curtis, Doak, Drigotas, Durgin, Farley, Farnham, Faucher, Fenlason, Fraser, Garsoe, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Hennessey, Higgins, Hobbins, Hughes, Hutchings, Immonen, Jackson, Jalbert, Jensen, Kany, Kauffman, Kennedy, Laverty, LeBlanc, Lewin, Littlefield, Lizotte, Lovell, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBairty, McKernan, McMahon, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Palmer, Peakes,

Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Post, Quinn, Raymond, Rideout, Rolde, Shute, Smith, Snow, Snowe, Spencer, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong.

NAY — Ault, Berry, P. P.; Blodgett, Bowie, Byers, Connors, Connolly, Cote, Cox, Dam, Davies, DeVane, Dow, Finemore, Flanagan, Gauthier, Henderson, Hunter, Ingegneri, Joyce, Kelleher, Kelley, Laffin, LaPointe, Leonard, Lewis, Mackel, Norris, Perkins, T.; Powell, Saunders, Sprowl, Strout, Talbot, Tierney.

ABSENT — Bcrube, Boudreau, Burns, Dudley, Dyer, Goodwin, K.; Hewes, Hinds, Jacques, Lunt, Mills, Morin, Rollins, Silverman, Truman, Webber, Winship.

Yes 97; No, 35; Absent, 17.

The SPEAKER: Ninety-seven having voted in the affirmative and thirty-five in the negative, with seventeen being absent, the motion does prevail.

Mr. Carey of Waterville offered House Amendment "C" to House Amendment "A" and moved its adoption.

House Amendment "C" to House Amendment "A" (H-300) was read by the Clerk and adopted.

Mr. Dam of Skowhegan offered House Amendment "A" to House Amendment "A" and moved its adoption.

House Amendment "A" to House Amendment "A" (H-287) was read by the Clerk.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does, this is putting it right back to the home rule, that if a town or a city has a charter, that their charter shall prevail. If their charter prohibits the employment, that is what they will go by and not by anything we pass here today because, mainly, we have given the communities home rule and I don't think we should sit here and erode that home rule from them. If they do have a charter and if they want to employ teachers and let teachers run as elected officials then they can always amend their charter at the local level. If they don't see fit to, then that charter will prevail.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I think this is the last amendment to be offered to my bill and I guess it is appropriate that we have come down to the real question on this amendment, is that, will we allow towns and cities to continue to discriminate and keep teachers from running for municipal office, and that is all this amendment will, in effect, negate the bill. It will just take care of the bill in good shape, as people have been trying to do. I would urge all the members of the House that support the concept of my bill as amended to vote against this amendment. I would ask when the vote be taken it be taken by the yeas and nays.

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 Mr. Bustin.

Mr. BUSTIN: Mr. Speaker and Members of the House: I pose a question to any of the legal minds in the House and that is, would this bill not create two separate classes of citizens and would that not be unconstitutional on its base?

The SPEAKER: The gentleman from Augusta, Mr. Bustin, poses a question through the Chair to any member of the legal fraternity who may answer if they so desire.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: There is no question that this amendment creates two classifications of citizens, especially since House Amendment "C" presented by Mr. Carey was placed on the bill which did not affect teachers, this amendment only applies to teachers, so in that regard, there is no question that it does create two separate classifications and, in effect, were this amendment to go on, the teachers would be worse off than their counterparts, the policemen and the firemen, who would have the opportunity to serve on the school board. I make no statement as to the constitutionality, only the advisability.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As far as being constitutional or not, I don't know. I am not a lawyer and I never wanted to be one. If it creates any class of citizens, then I would definitely say that I think House Amendment "C" to House Amendment "A", which we have just adopted, does, because when you say all municipal employees other than the employees of a school department, you are making class citizens out of the employees of a school department. So, if you can do it with one amendment and not have any problems with the constitution, I think we could do it with another amendment and not have any problem with the constitution, because I have read a little on the constitution and I have failed to see anywhere in there where they say that the employees of a school department should be treated second-class and that they recognize it as such. So, if we want to talk about second-class citizens or a class of citizens, maybe we should take a look back at House Amendment "A" to House Amendment "A" is that when these towns wrote their charters they saw fit to write this in. I think they had a reason. I think maybe that as time goes on and the more towns amend their charters or the cities amend theirs, that they may write out this limitation that they have written in. In the meantime, it is there. As far as my town, I am not battling for my town because we don't have a charter, we defeated a charter five times in the last four years and we allow the teachers to serve as selectmen and we allow the police officers to serve as selectmen. We have one on right now, a police officer, serving as selectman. There is nothing in the law that violates it. I do believe that, if a town or a city, has a charter they have written this in, that we respect their right of home rule and we shouldn't sit here and erode the home rule. Later on, if they want to change it, they can do it through the amendment process.

I was told this afternoon, just before we came in here, assuming we were — I thought we were going to start at 4:30 so at 25 minutes past 4:00 o'clock I was headed down the hall and I was told by MTA that

this would kill it for the teachers. I am not out to kill it for the teachers at all. I am just saying this is home rule and we should respect the home rule and let the people in the communities govern themselves.

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

Mr. CARPENTER: Mr. Speaker and Members of the House: Just a quick hypothetical question. This bill is designed to clear up some inconsistencies and some real questions in the law. Is it possible, that when the various towns and cities adopted their charter and put this into their charters, is it possible they did it not because they did not actually want teachers to run but actually because they thought it was a state law? I think this is the case in some towns and cities. I think it was put into the charters not because they wanted to exclude teachers but simply because they thought that was the way the law was. This bill of mine was clear that up.

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

Mr. FARLEY: Mr. Speaker and Members of the House: As I understand Amendment "C", Representative Carey's amendment, it merely states that school teachers can't run for school boards.

In the original school board, solely because of a teacher on a school board works directly with the negotiating of teachers salaries. In the original bill — I am almost positive it states — unless it has been changed by one of these amendments — it states where a school teacher sitting on a finance committee or on a council can not cast the deciding vote. The problem Mr. Dam brings up is not really — again to debate Mr. Dam, just for a second here — the problem, why we have this bill is because municipalities have refused to do this, to make the changes necessary for — open up these elections up to school teachers and other municipal officers.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: As I look at this amendment, I think I am a little bit confused. If I could ask someone who could answer me — Presently the law says, is silent in terms of a teacher being able to serve on a city council or board of selectmen. My impression is that this amendment totally guts the bill that is presented. Is that a correct assumption?

The SPEAKER: The gentleman from Portland, Mr. Jensen, poses a question through the Chair to any member of House who cares to answer.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question of the gentleman from Portland, I say no, it doesn't gut the bill. It merely says the communities do, what you want to do.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone that would answer. As House Amendment "C", which I gather has just been adopted by this body, is written, can an employee of the School Administrative Unit serve as a board member on a School Administrative Unit?

The SPEAKER: The gentleman from Standish, Mr. Spencer, poses a question

through the Chair to any member of the House who cares to answer.

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

Mr. CAREY: Mr. Speaker and Members of the House: As I read that amendment, that is true. They could not serve within their municipality but if the School Administrative District encompasses several municipalities, then they could serve on that board.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I think that before we vote on the amendment of Mr. Dam's, it ought to be clear what we are doing. If we vote to adopt his amendment, we would have ended up in the very ironic position indeed, because under an act entitled "An Act Relating to Contracts of Teachers with Municipalities," we would have then passed a law which didn't affect teachers at all, but which did give the right, under House Amendment "C", to policemen and firemen to run for the school board. So we would have enacted something that had nothing to do with the title, had nothing to do with the original intent of the law. I just wanted to make that clear because Mr. Dam's amendment just merely works it around so that actually nothing would be done by the piece of legislation. That didn't have anything to do with my own opinion of the bill. I guess I am going to be against this amendment on another ground, and that is the point that Mr. Bagley brought up last week and it has been generally forgotten. All we are trying to do by this piece of legislation is to allow the people in the various municipalities to vote into public office whom they want to vote for. We are not forcing anyone to vote for teacher or vote for a fireman, we are just giving them the opportunity to cast that ballot and I think that is a very fundamental issue in any kind of a democracy, and that is to allow the people to vote for the people they want to. Then, you concoct any kind of scheme you want dealing with conflict of interests and who is going to vote on what contract when, and when it affects you. We do that here in the House, but the very fundamental issue bill that this bill tires to address is, can a person even be allowed to have his name on the ballot, and I, for once, do not want to be put in the position of keeping any qualified voter in this state away from running for public office.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: If the gentleman from Durham, Mr. Tierney, doesn't want to let anybody be prohibited from running for public office, then he should have no objections to municipal employees being able to run for school boards since he seems to be determined to let school personnel run for municipal office. He seems to question what happens under this title. I am somewhat concerned and obviously if this bill goes through, I will have to get some kind of a ruling from the Attorney General's Office as to what prevails. Our city charter specifically says, in Waterville, that you will get no monies other than the monies that you get as a municipal official. It puts us in somewhat of a little quandary and I am certainly going to need a ruling if this whole thing goes through.

The SPEAKER: A roll call has been ordered. The pending question is the

adoption of House Amendment "A" to House Amendment "A". All in favor of adoption of House Amendment "A" to House Amendment "A" will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berry, P. P.; Bowie, Carey, Carter, Conners, Cote, Curtis, Dam, DeVane, Drigotas, Durgin, Gauthier, Henderson, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kauffman, Kelleher, Kelley, Laffin, Leonard, Littlefield, Lovell, Lynch, Mackel, Maxwell, McMahon, Nadeau, Norris, Perkins, T.; Peterson, P.; Raymond, Snow, Tarr, Torrey.

NAY — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Birt, Blodgett, Bustin, Byers, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Hennessey, Higgins, Hobbins, Hughes, Ingegneri, Jensen, Kany, Kennedy, LaPointe, Laverty, LeBlanc, Lewin, Lewis, Lizotte, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; McBreairty, McKernan, Miskavage, Mitchell, Morton, Mulhern, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Saunders, Shute, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Teague, Theriault, Tierney, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong.

ABSENT — Berube, Boudreau, Burns, Dudley, Dyer, Goodwin, K.; Hewes, Hinds, Jacques, Lunt, Mills, Morin, Rollins, Silverman, Truman, Webber, Wilfong, Winship.

Yes, 39; No, 93; Absent, 18.

The SPEAKER: Thirty-nine having voted in the affirmative and ninety-three in the negative, with eighteen being absent, the motion does not prevail.

Thereupon, House Amendment "A" as amended by House Amendment "C" thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "C" thereto.

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

Mrs. BACHRACH: Mr. Speaker and Members of the House: I move we reconsider our action whereby we passed this and I request a Division.

The SPEAKER: The gentleman from Brunswick, Mrs. Bachrach, moves the House reconsider its action whereby this Bill was passed to be engrossed, as amended. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Connolly of 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 Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I respectfully

request that you vote against the reconsideration motion. Let us get this thing engrossed and when it comes back for enactment, if anybody still has complaints or qualms with it, they will still have another crack at it, but let's vote against the reconsideration motion, and get on to other business.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Let's reconsider the motion this afternoon of the gentlewoman, simply to give her the courtesy to find out exactly what position she wants to go in. I am not sure she is for the bill or not. It is a very common courtesy that we would be extending and it is a request that I think we should support.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Brunswick, Mrs. Bachrach, that the House reconsider its action whereby this Bill was passed to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Berry, G. W.; Berry, P. P.; Bowie, Byers, Call, Carey, Carter, Chonko, Conners, Cote, Cox, Curtis, Dam, DeVane, Doak, Drigotas, Durgin, Faucher, Flanagan, Fraser, Gauthier, Goodwin, H.; Hennessey, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Joyce, Kauffman, Kelleher, Kelley, LaPointe, Leonard, Lewis, Littlefield, Lizotte, Lovell, Lynch, Mackel, MacLeod, Martin, A.; Maxwell, McMahon, Miskavage, Mitchell, Mulhern, Nadeau, Norris, Palmer, Perkins, T.; Peterson, P.; Peterson, T.; Post, Quinn, Raymond, Snow, Sprowl, Strout, Susi, Talbot, Tarr, Torrey, Tozier, Walker.

NAY — Albert, Bagley, Bennett, Birt, Blodgett, Bustin, Carpenter, Carroll, Churchill, Clark, Cooney, Curran, P.; Curran, R.; Davies, Dow, Farley, Farnham, Fenlason, Finemore, Garsoe, Gould, Gray, Greenlaw, Hall, Henderson, Higgins, Hobbins, Hughes, Jalbert, Jensen, Kany, Kennedy, Laffin, Laverty, LeBlanc, Lewin, MacEachern, Mahany, Martin, R.; McBreairty, McKernan, Morton, Najarian, Peakes, Pelosi, Perkins, S.; Pierce, Powell, Rideout, Rolde, Saunders, Shute, Smith, Snowe, Spencer, Stubbs, Teague, Theriault, Tierney, Twitchell, Tyndale, Wagner, Wilfong.

ABSENT — Berube, Boudreau, Burns, Dudley, Dyer, Goodwin, K.; Hewes, Hinds, Jacques, Lunt, Mills, Morin, Rollins, Silverman, Truman, Webber, Winship.

Yes, 68; No, 64; Absent, 17.

The SPEAKER: Sixty-eight having voted in the affirmative, sixty-four in the negative, with seventeen being absent, the motion does prevail.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I haven't spoken on this bill before because the amendments confused the issue to such an extent that I thought I would wait until the vote on the entire bill come up and then simply vote my feeling on the matter. The first thing I knew, you banged the hammer and that was the end of it. I would like to say something now since I haven't before.

This question has arisen in Brunswick, which has a charter which does not allow teachers to run for the town council. For a long time I have thought this is probably

not a good idea; it excludes a lot of worthwhile people from running for the town council. This even extends to teachers who do not teach in the Brunswick community. However, I feel that this is a matter for change on the local level, that the town council should put an amendment to the voters of Brunswick if they want to have teachers serve on the council, and I don't think this sort of legislation should be superimposed from Augusta. Therefore, I would like an opportunity to vote in opposition to the entire bill.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I would request respectfully that you vote to pass this bill to be engrossed, and the only thing I would say to the comments of the gentle lady from Brunswick, Mrs. Bachrach, I would ask the question of her through the Chair — first I will say that I agree with the concept of home rule. I don't think we should force things on municipalities, at least not until a municipality shows no desire of righting a wrong. I would end by asking the gentle lady from Brunswick, through the Chair, if the council in Brunswick is doing this, contemplating doing this, or putting it out to the voters? That is fine; I have no complaints with that, but what I submit to you is that they do not do this. The council sits there and they will not put it out to the voters.

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

Mrs. BACHRACH: Mr. Speaker, I would be glad to respond to that. No, the council is not putting this out to the voters, and I have often wondered about this situation. But one thing that was brought out in the course of discussion here was the fact that in fact teachers are municipal employees and other municipal employees also do not run for town offices, and as long as that prevails, I think there is a certain logic in being consistent in this respect.

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

Mr. CURRAN: Mr. Speaker, I would like to pose a question through the Chair to the gentlewoman from Brunswick, Do I understand that the charter in the Town of Brunswick forbids a teacher to run for municipal office? Even if he may teach in Portland but lives in Brunswick, he is still ineligible?

The SPEAKER: The gentleman from South Portland, Mr. Curran, poses a question through the Chair to the gentlewoman from Brunswick, Mrs. Bachrach, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. BACHRACH: Mr. Speaker, Yes, that is true. I think that is very much in error. At some point, I hope we will change that.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, if the town council, under home rule, in a community refuses to do this, a small number of people may initiate a petition and take it to referendum to all the voters in that community. So there is another area to do this if you want to leave it strictly within the purview of home rule.

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

Mr. QUINN: Mr. Speaker and Members of the House: Just to reiterate very quickly, this is in effect permissive legislation. We all know that there is a considerable breach between what should be done and what some councils in some towns do. This bill will not force anyone to vote for a school teacher if anyone doesn't want to vote for a school teacher.

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

Mr. CAREY: Mr. Speaker and Members of the House: Only to make one comment on the gentleman from Gorham, Mr. Quinn's comments. It is permissive only in that people may or may not vote for the person, but it certainly is a decision that is being made here, and it is mandatory that they would be allowed to run for office, so it is not permissive legislation as we know permissive legislation.

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

Mr. JACKSON: Mr. Speaker and Members of the House: I find myself following this in a logical progression. The town has decided that they will not allow teachers to run for public office. This is a town decision but the legislature now feels that this is a wrong decision, the towns have made a wrong decision and they should overrule this and that they should be allowed to and the decision should be on the voter rather than the town on who will serve. I follow this to a natural progression, and the result I come out with is, how can we in the legislature deny any state employee the right to sit in the legislature and serve the state?

The SPEAKER: The Chair will order a vote. The pending question is on passage to be engrossed as amended by House Amendment "A" as amended by House Amendment "C" thereto. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
77 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

Sent to the Senate.

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

Bill "An Act Relating to Compensation for Minors Delivering Newspaper Supplements," (H. P. 910) (L. D. 1109) — In House, Minority "Ought to pass" Report accepted and the Bill passed to be engrossed — In Senate, Majority "Ought not to pass" Report accepted in non-concurrence.

Tabled — Mr. Rolde of York
Pending — Motion of Mrs. Clark of Freeport to Recede and Concur.

On motion of Mr. Dam of Skowhegan, the House voted to recede.

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

House Amendment "A" (H-302) was read by the Clerk and adopted.

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

House at Ease

Called to order by the Speaker.

(Off Record Remarks)

On motion of Mr. Rolde of York, the House voted to take from the table the

following tabled and unassigned matter:

An Act to Fund Public School Education (Emergency) (H. P. 1437) (L. D. 1452)

Tabled — April 24, by Mr. Rolde of York.
Pending — Passage to be Enacted.

On motion of Mr. Lynch of Livermore Falls, under suspension of the Rules, the House reconsidered its action whereby this bill was passed to be engrossed.

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

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

House Amendment "R" (H-301) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This morning, I understand that L. D. 1452 and the proposed amendment, House Amendment "R", was thoroughly covered in a Republican caucus and we attempted to do it in a Democratic caucus this morning. I don't know as it is necessary to go into too much more detail.

As the Speaker said, we are leaving on the bill House Amendment "G", which was filed by Representative Post, House Amendment "J", which was filed by Representative Greenlaw, House Amendment "M", which was filed by Representative Rolde, and House Amendment "N", which was filed by Representative Jackson. We have resolved the constitutionality problem that was involved in 1452 as originally proposed. We believe we have a workable document. It is not the answer to school financing way into the future. Financing has always been a problem in this state and it probably always will be a problem. But we have a workable solution that will take us through this session of the legislature, and I am quite sure that before the second year of the biennium rolls around, there will be a study of some sort to more thoroughly consider the financing of public school education in the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I had prepared some long remarks because I am not very excited about this particular amendment nor am I very excited about the whole procedure we seem to have followed in dealing with the problems of 1994. I am going to set this speech aside and just address one of the provisions Amendment "R".

We heard from the Maine Judicial Court, we heard that an unequal taxation measure was unconstitutional. They were right; I agree with them and I think all of you agree with them. So what we are being asked to do this evening is not to have a taxation method that is unconstitutional, but we are asked to have a rebate program, and I would admit that it is probably constitutional, it is certainly politically expedient, but in my own view, it flies in the face of what the court said, it is just darn unethical.

It is my own feeling that there is very little in 1452 that is really needed at all. There are some things, I realize, that are necessary. Those things, I think we should address them. I am not even sure if we need 1452 as a vehicle to do that. I wonder

if we shouldn't bite the bullet of funding 1994 with necessary spending limitations in the Appropriations Act at a later time. But for now, I cannot stand here and vote for or keep my seat any longer, and if you will notice, I haven't spoken on this 1452 at all, but to watch us pass a program which I think is one of the most disturbing political maneuvers we have made on this subject, what it is — buying the votes of certain communities with a rebate program. I don't buy it. I think we can come up with a whole lot better. I ask you to vote against this measure. I move we indefinitely postpone it, and I think we should go back to the drawing board and come up with something that not only supports the taxation and educational concepts of 1994 which are right but also answers the necessary problems with that law.

So I urge you, don't accept this amendment. It is just plain wrong.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves that House Amendment "R" be indefinitely postponed.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Sabattus has forgotten that the philosophy of 1994 did place a phase-in period for the communities that were affected by any drastic change in valuations, and we have maintained in 1452 the philosophy that we will not penalize those communities. I think that is an answer.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I hope you vote against indefinite postponement so we can adopt House Amendment "R", and when the vote is taken, I move it be taken by the yeas and nays.

Mr. Palmer of Nobleboro offered House Amendment "B" to House Amendment "R" and moved its adoption.

House Amendment "B" to House Amendment "R" (H-324) was read by the Clerk.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I want to make it clear at the very outset here that I am speaking as an individual legislator from one of the coastal counties. I have something to say. I will try to be brief, but what I have to say comes from my heart and for that reason, I want to go back just a little, if I can, and give you what I think is a little bit of history on 1452.

I have spent literally the last year of my life in one capacity or another as a legislator, as a member of the Educational Subsidy Commission working on 1994 in the hope that we might be able to do something to it constructive and make it a working vehicle to overcome many of the objections which many of our people have had to it.

The Educational Subsidy Commission initially turned out L. D. 526. It embodied a lot of the things which 1452 does. It took care of a lot of housekeeping measures. At the same time, it addressed the problem of the phase-in towns and recommended that one-year pay-in be forgiven and that state, in the second year of the biennium, move to 55 percent funding and thence to 60 percent funding. This was rejected because I believe the Education Committee in good faith tried to work within the

guidelines or somewhat near the guidelines of the money that we had available. So they presented the 20 percent phase-in which we know now has been declared unconstitutional.

We moved from the 20 percent phase-in — I am now talking of relief to those communities which were severely hurt — to a 25 percent phase-in. Now we have finally arrived at the grand climax, which is 80 percent of the 25 percent with one town left out. I happen to represent the town, and for these reasons, I want to speak briefly.

The amendment which I have offered, House Amendment "B" to House Amendment "R" does only one thing, it treats the town of Wiscasset the same way that it treats every other town on that list. Every other town is given 80 percent of 25 percent, and Wiscasset, for some mysterious reason, is given the figure of \$250,000. I don't know how the committee arrived at the \$250,000 figure. I have been told that the only reason really was that it was a little bit above what the highest town would get below Wiscasset. So, with this magic we say, we will give everybody what they need to pacify, but we will let Wiscasset get by with a \$250,000 pay-back.

Now, people have looked at that and they have said to me, gee, that is a lot of money. I want to clarify one thing right now. You are not giving, by my amendment, you are not giving Wiscasset anything that you are not giving to every other community in this state. You are just phasing them into the same formula you are giving to everyone else. Of course, if we put down what Wiscasset really should get on this sheet, using them the same as everyone else, they should receive \$1,540,000, and I have had friends in the House say, well, we couldn't put the figure down; it just never would fly. Well, I submit to you that I think in all fairness it would fly if people are fair if they realized that, for example, in 1973, Wiscasset phase-in obligation was \$1,241,000.

This new bill, because of an immediate phase-in of everything, puts Wiscasset at \$3,478,000, or a difference of over \$2 million. Even if you were to give Wiscasset what it justly deserves, which is what everybody else is getting, they still would be paying \$700,000 more than they did before. I really can't justify the reasoning as to why this was put on the way it was. I first of all thought it was something maybe to end Lin Palmer, but I couldn't really see why you would want to stick it to just one representative from the little town of Wiscasset. I couldn't see how that would really be a viable reason for wanting to leave them out. But I thought, well, maybe it is just to get at Wiscasset — it is a pretty little town, it has a sign that says "The Prettiest Little Village in Maine," and they like to keep it that way. But you know, it is not too much different from all the other towns in the State of Maine. Their people are of average circumstances. They work at the Bath Iron Works, dig worms, and they work for the village grocer and they work in the village drug store, and they do everything that you and I do, and their income is no greater than yours and mine. But they do have one thing that is different. They have a plant called Maine Yankee, so I say, well, certainly then it can't be Wiscasset, it must be that this is a good way for one corporation to help pay the greater share of the cost of education in this state than any other corporation is asked to pay and likewise, any other town is asked to pay.

I cannot believe that this would be the ploy to just have Central Maine pay the bill, and I realize, standing here with 151 members and knowing how the vote has gone on many other things, I am not here to defend the Central Maine Power Company, I know I would get very few votes if I did. I think their friends are slowly diminishing here in the House. But I am not here to do them a favor. I am here just to ask that they be given what everybody else is given. Why would a formula go all down the line and leave one town out? I just can't believe that we are giving them anything. I had one good friend say to me a few minutes ago, Lin, if you think I am going to give Central Maine a million dollars, or Maine Central, if you think I am going to give Central Maine a million dollars, you are crazy, but you aren't giving them a dime, because if you use them the way you use everybody else, you would give them a million-five, what this formula should read.

I ask you why, for example, you would treat Livermore and Jay differently? They have International Paper, Millinocket has Great Northern, Baileyville has Georgia Pacific, Bath Iron Works is in Bath, why one — why just one? All I am appealing to is the basic fairness of this situation.

I would like to say just a word or two to those who disagree about the pay-back, specifically, the previous speaker, the Representative from Sabattus, Mr. Cooney, mentioned it. I can appreciate his thoughts, but I submit to you, as did Representative Lynch, that the original 1994 had a pay-back; it was called a phase-in, but a phase-in and pay-back amount to the same thing. And two years ago, 1994 would never have passed this House or the Senate had it not had a phase in. Now, two years later, we come back and through constitutional questions we phase in all at once and we make some very grave disparities. So there is no give-away, there is no pay-back, there is a phase-in, we are doing exactly what we did two years ago in trying to save this bill.

I maintain to you, after the work that I have put into this thing for one year, I become very demoralized and very discouraged. But when you see the work that went into it and then you see your condition whittled away, you arrive at what we have on this desk, I think it is immoral and I think it is unethical. And I will say to you this, even though the Central Maine Power Company isn't the most popular corporation in the State of Maine, this is probably the first time in the history of the state that the state willingly and knowingly, willfully and knowingly is asking one corporation to help finance education in this state more than they are asking anyone else.

There is no problem with giving them back what they justly deserve. There is no budgetary problem. In leadership meetings with the Governor we have gone over these figures, and the \$3.8 million, which my amendment calls for, is well within the guidelines of what we had previously agreed to, which is about \$4.7 million. So there are no financial problems. It can be funded, and I just don't understand the reasons why we then would not fund it the way we fund everything else rather than take what I call the devious route.

I am not going to talk any longer. I do not want to delay our session, but I want you to know what is in my heart, and I am asking you just for one thing, which is to be fair. You are not giving anything to Central

Maine; you are not giving anything to Wiscasset; you are giving them what everyone else is getting according to the same formula. That is all I am asking. I think it is a reasonable thing, and I hope we can adopt this amendment.

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

Mr. LYNCH: Mr. Speaker, I move the indefinite postponement of House Amendment "B" to House Amendment "R" and would speak to my motion.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that House Amendment "B" to House Amendment "R" be indefinitely postponed.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Nobleboro. Wiscasset is a pretty town, but the town itself is only 5 percent of the valuation of the community. Ninety-five percent of the valuation of the town of Wiscasset lies with Central Maine and Maine Yankee. Now, in Jay, in Bath, in Millinocket, there isn't that disproportion between a business and the rest of the community. In no other industrial center of the state is it possible to pass back over a wide variety of communities any impact that might be caused on Central Maine Power Company, and it is the intent of the Education Committee to send a letter to the PUC. We know we cannot interfere with their judgments, but we would like to ask them to look at the impact on Central Maine and its rate structure by what 1452 does. That, I think, is only reasonable and fair for the Education Committee to do.

The gentleman said that he could have the thing funded by \$3.8 million — he can, but you will have less than \$7 million to spend on other items for this biennium.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that at this late stage — I realize that this is a very complicated bill. In fact, a lot of parts of it, I will be truthful with you, I don't understand, but I would certainly hate to see Amendment "R" indefinitely postponed unless the gentleman from Sabattus had a better plan.

Mr. Lynch of Livermore Falls requested a roll call vote.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the actions of the gentleman from Nobleboro, Mr. Palmer, and I think it is probably one of the few times that I would ever rise to take a strong position against the actions of the gentleman from Livermore Falls, Mr. Lynch.

Many of the comments that were made this afternoon by the gentleman from Nobleboro were similar comments to what I made before the Education Committee two years ago, in which I pointed out that some of these things very well could happen. Also, and it was pointed out that some of these companies such as the situation in Jay, that they do not have the same proportion, they do have very close to the same proportion. In fact, when this bill was originally put together, Jay was going to be a major pay-in. It was going to pay in almost as much money as Wiscasset was, but due to some other quirks that

developed, Jay got off the hook and Jay is now a recipient of \$108,000 instead of paying in the \$650,000 that this bill was originally sold to the legislature on, and this is true on quite a few others, several other towns in the state.

I think that the actions and the motion and the amendment that the gentleman from Nobleboro has just offered is completely in keeping with the entire intent of what this bill was sold to the legislature two years ago.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I just want to very briefly answer one point that the gentleman from Livermore Falls made. Of course Wiscasset is different in the effect of Central Maine Power on it than International Paper is in Livermore and Jay. It is a small community and CMP there has very few employees. You don't get the problems of housing and everything else that go with the larger towns. This town has been very frugal over the years, and I don't see any reason why they should be penalized for having been that.

I would also like to say that you know there are many of us in this House who don't like nuclear power plants; there are many here today who would vote to take away this money from Wiscasset who wouldn't have a Maine Yankee in their own town, but once it is in Wiscasset, they want their share.

The last thing I want to say is this to the gentleman from Livermore Falls, and I have a great and deep respect for him, but I don't care what you say about the Central Maine Power Company and its ability to pay, they don't have a spigot with dollar bills running out. It still has nothing to do with the basic fairness of this amendment, which simply says, regardless of where you are and what your condition is, you pay everyone in the same manner. I don't believe we are asking for anything other than fair play in saying to this community, you get what everyone else gets.

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

Mr. JACKSON: Mr. Speaker, I am put in mind a bill saying "divide to conquer." I have watched 1994 and I was here in the session when it was initially adopted. I have sat through this session and I have watched us work it over and try to breath life into it and attempts on top of attempts on top of attempts in putting off the date for the budget and finally putting it off again, and I think that we should all give a second thought here to any formula that is not equally applied. Wiscasset sticks up, there is a big plant there, there is a lot of money coming in, but what happens when next year we have a problem funding this and we run through the money that is available and there are overruns again and say special education gets out of hand or some other phase of it and it costs us a lot of money and we have to find some more money? We have established a nice precedent with Wiscasset, so then we turn to Yarmouth or East Millinocket or Sears Island or Jay or maybe Skowhegan — I understand a new plant may go into Skowhegan — or some other town, and we make a little exception for them that we find some more money. I just could go on indefinitely, and I think this is a very bad precedent to set.

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 Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Since my good friend Mr. Jackson has spoken and referred to Skowhegan, I was going to vote anyway with the good gentleman over in the far left corner from Nobleboro for his amendment, because I think Mr. Jackson has put it very plainly, that next time around when they need more money, they are going to go back to other communities, and this is just what is going to happen. I don't like to see it happen, that is why I am going along with Mr. Palmer. I don't think he is asking anything unreasonable. I think all he is asking for is fair play and I think that is what every member of this House wants, fair play. The only way we can have fair play is to adopt this amendment and not indefinitely postpone it.

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that House Amendment "B" to House Amendment "R" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, P. P.; Bustin, Carpenter, Carroll, Carter, Chonko, Clark, Connolly, Cote, Cox, Curran, P.; Davies, Drigotas, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Hall, Henderson, Hennessey, Hobbins, Ingegneri, Jalbert, Jensen, Joyce, Kany, Laffin, LaPointe, LeBlanc, Lewis, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Peterson, T.; Post, Powell, Raymond, Rideout, Saunders, Silverman, Susi, Talbot, Theriault, Tierney, Tozier, Tyndale, Usher, Wagner, Wilfong.

NAY — Ault, Bachrach, Berry, G. W.; Birt, Blodgett, Bowie, Byers, Call, Carey, Churchill, Connors, Cooney, Curtis, Dam, DeVane, Doak, Durgin, Farley, Gould, Gray, Greenlaw, Hughes, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelleher, Kelley, Kennedy, Laverty, Leonard, Lewin, Littlefield, Lizotte, Lovell, Mackel, MacLeod, Maxwell, McBreairty, McKernan, McMahan, Norris, Palmer, Perkins, T.; Peterson, P.; Pierce, Quinn, Rolde, Shute, Smith, Snow, Spencer, Sprowl, Strout, Stubbs, Tarr, Teague, Torrey, Twitchell, Walker.

ABSENT — Berube, Boudreau, Burns, Curran, R.; Dow, Dudley, Dyer, Goodwin, K.; Hewes, Higgins, Hinds, Jacques, Lunt, Mills, Morin, Perkins, S.; Rollins, Snow, Truman, Webber, Winship.

Yes, 67; No, 61; Absent, 21.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-one in the negative, with twenty-one being absent, the motion does prevail.

Mr. Bustin of Augusta offered House Amendment "A" to House Amendment "R" and moved its adoption.

House Amendment "A" to House Amendment "R" (H-320) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, I move indefinite postponement of this amendment.

House Amendment "R" to L. D. 1452 was funded for the biennium, leaving approximately \$6.8 million out of surplus and moving ahead of the corporate tax. We have now used a million plus under House Amendment "B". If we adopt this amendment that is before us now, you can plan on spending another \$3 million, so before long, we are going to have a question of whether we are funding 1452. If that is your motive, I think you are going to succeed, then we will be right back at the drawing board again.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would trust that the House Chairman of the Education Committee might think that this comes from a friendly corner and is not an attempt in any way to disparage the work that is being done by the committee or, in fact, by leadership on this bill.

My problem with this amendment is only the feature that I attempt to amend out of House "R" by House "A" which would knock out the so-called Huber proposal of limiting the inflationary impact in the second year of the biennium to 6 percent.

I would like to be able to tell you that I could speak as an expert on this L. D. and that what I am going to tell you I am absolutely convinced is right. Unfortunately, I am in the same position as probably at least 149 of you, if not 150; this whole thing is very, very fuzzy.

What seems to me to be happening is that we are adopting the Longley philosophy of "planned under funding" in the second year of the biennium. I have talked with people on the Education Committee, I have talked with leadership, and I have asked one question: Is there money enough in the second year of the biennium, and no one will say yes. They hedge, they fudge, they bob and they weave — no one will say, you are adequately funding education in the second year.

Ask your town officials if they can get by with 6 percent in the second year of the biennium. The bill, L. D. 1492, as I understand it, asks for 9. Are we getting ourselves in a box by deliberately playing into the hands of those who would underfund in the second year? People who have underfunded the university, we know it has happened, it is underfunded in the second year, departments in state government underfunded by 10 percent in the second year, are we going to play this same game and come in here in the Spring and have to pass a whopping increase in the Maine income tax? That is part of the issue. Are we going to take some of the responsibility in this regular session and then take some more of the responsibility in the special session for a tax increase, or are we going to pretend that this budget is balanced and go blindly into a special session knowing that this L. D. is underfunded?

I would ask for the yeas and nays.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Particularly you members of the opposition party, I raised that question that Representative Bustin has just raised here this afternoon, earlier this morning to my leaders of the House and the members of the Education Committee and I got a response from some members of the Education Committee

about the underfunding and perhaps they might care to stand up and give the same answer to the House this afternoon. I question the fact is there sufficient money for the second year of this program and would we not in fact be back here prior to elections of the primaries next year looking for substantial money for this program?

I would like to be enlightened again to the fact that there is sufficient money to fund this program and that we will not, by their assurances, be looking for any additional money for the second year.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I did what the gentleman from Augusta suggested. I did take this back to my people and I find that they can live with the 6 percent ceiling very closely. The Superintendent of Schools seemed to feel that this was a reasonable limit and that with this 6 percent and the leeway that was available, they would be able to handle it. I trust that is the same thing across the state.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I know that all of you who were here two years ago know exactly how I felt about 1994 and my attempt. However, it is two years hence, I did do exactly what the gentleman from Augusta, Mr. Bustin, suggested, only I went one step further, I got experts, not me, I got experts to call the City Controller of the City of Lewiston and the Superintendent of the City of Lewiston, who is elated at this program and I certainly intend to follow Mr. Lynch.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I find it hard to accept the proposed amendment because for several weeks now we have heard nothing around the State House except the cost of education is increasing too much each year, each biennium, and we have been asked constantly, are you closing the doors, are we going to be faced with increased cost two years from now, what can we do to bring this under control? The 6 percent is an attempt to do just this. If you want 10 percent, 12 percent, then put your money behind it, but don't come back two years from now and ask why the cost of education are skyrocketing.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The reason we are in part of this jam right now is that there were not controls such as this written into the original legislation. I think this is a signal that we should be sending out, that there is going to be a control on these two segments. I fail to understand the logic of the gentleman from Augusta in removing this control and then questioning whether or not there is going to be money, because we are going right back into the same old ball game with no controls unless this feature is kept in the bill.

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

Mr. BUSTIN: Mr. Speaker, I would like to pose a question to the House Education Chairman. Again, this may be my unfamiliarity with the bill, but if this amendment passed, Mr. Lynch, would not

the 9 percent or the 9-point-something percent then be in as the top?

The SPEAKER: The gentleman from Augusta, Mr. Bustin, has posed a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: If we do not accept the 6 percent limitation, the deficit in the biennium would be \$11,579,000 that would have to be funded. If we accept the 6 percent limitation, the deficit would be approximately \$8.5 million, so with 15.3 to work with and 8.5 to fund the deficit under Amendment "R", it leaves approximately \$6.8 million for other bills. Now, if you want to take \$3.1 million and do away with the 6 percent, that would leave you approximately \$2 million for other bills.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think we should realize that the 6 percent only applies to the operation of elementary and secondary schools. It doesn't apply to special education, vocational education, transportation or school buildings. So actually, the figure is 10.5 percent increase, not the 6 percent.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you that along with this document being passed, the message is going forth to the educators: no hanky-panky this time around. There is no gold mine in Augusta. Your bills are coming home to roost. If you overspend, you are going to dig it out of your own pockets.

The SPEAKER: Mr. Bustin of Augusta has requested a roll call. In order for the Chair to order a roll call, it must have the expressed desire of one fifth of its 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. Obviously, more than one fifth of the members having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the gentleman from Livermore Falls, Mr. Lynch, that House Amendment "A" to House Amendment "R" be indefinitely postponed. Those in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Ault, Bachrach, Bagley, Bennett, Berry, G.W.; Berry, P.P.; Birt, Blodgett, Bowie, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Conners, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, DeVane, Doak, Drigotas, Durgin, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Hennessey, Hobbins, Hunter, Hutchings Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McKernan, Miskavage, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn,

Raymond, Rideout, Saunders, Silverman, Snowe, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Tyndale, Usher, Wagner and Wilfong.

NAYS — Bustin, Clark, Connolly, Davies, Henderson, Hughes, Kelleher, LaPointe, Mitchell, Mulkern, Peterson, T.; Rolde, Smith, Spencer, Talbot and Tierney.

ABSENT: Berube, Boudreau, Burns, Curran, R.; Dow, Dudley, Dyer, Farley, Goodwin, K.; Hewes, Higgins, Hinds, Jacques, Lunt, McMahon, Mills, Morin, Perkins, S.; Rollins, Shute, Strout, Truman, Twitchell, Webber, Wilfong and Winship.

Yes, 107; No, 16; Absent, 26.

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

Mr. Cooney of Sabattus requested a roll call, on adoption of House Amendment "R".

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

Mrs. **POST**: Mr. Speaker, I would like to pose a question through the Chair, it is on the intention of House Amendment "R" more than anything else. I would like to know what the intention is as far as making grant allocations to the various communities in the next biennium, the biennium ending June of 1977?

The **SPEAKER**: The gentlewoman from Owls Head, Mrs. Post, has posed a question through the Chair to any member who may care to answer if they do desire.

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

Mr. **LYNCH**: Mr. Speaker, Ladies and Gentlemen of the House: I believe the Representative is asking about the second year of the biennium. There is no provision made for reimbursing these communities that are on the raspberry colored sheet.

I would like to say, Mr. Speaker, that we are under pressure; it needs 101 votes. It is not the answer to all the school financing problems this state is going to have, but we are under pressure to get something done this week to get the communities in this state in shape to do what they have to do before May 31, and I am quite sure that we should be concerned only with the first year. I am quite sure we are going to have some revision in school financing in the relative near future.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is the adoption of House Amendment "R". If you are in favor of the adoption of House Amendment "R" you will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Ault, Bachrach, Bagley, Bennett, Berry, G.W.; Berry, P.P.; Blodgett, Bowie, Bustin, Byers, Call, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Curran, P.; Curtis, DeVane, Drigotas, Durgin, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Gould, Greenlaw, Hall, Hennessey, Hobbins, Hunter, Hutchings, Immonen, Ingegneri,

Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Lavery, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McKernan, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, T.; Peterson, P.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Tyndale, Usher, Walker, Wilfong and The Speaker.

NAYS: Birt, Carey, Cooney, Dam, Davies, Doak, Gray, Henderson, Hughes, Kauffman, Palmer, Peterson, T.; Pierce, Smith, Tierney and Wagner.

ABSENT: Berube, Curran, R.; Dow, Dudley, Dyer, Farley, Goodwin, K.; Hewes, Higgins, Hinds, Jacques, Lunt, McMahon, Mills, Perkins, S.; Rollins, Snow, Strout, Truman, Webber and Winship.

Yes, 110; No, 16; Absent, 23.

The **SPEAKER**: One hundred and ten having voted in the affirmative and sixteen in the negative, with twenty-three being absent, the motion does prevail.

Mr. Leonard of Woolwich offered House Amendment "V" and move its adoption.

House Amendment "V" (H-325) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. **LEONARD**: Mr. Speaker, Ladies and Gentlemen of the House: If you remember, the other day we had some people here from the town of Richmond, and those students, on their own, advised me that they were very concerned with the funding features of L. D. 1452. Their request was, either I amend L. D. 1452 or we retain L. D. 1994. I talked them pretty much out of retaining L. D. 1994 because that certainly has a lot of holes in it, that particular piece of legislation.

What has happened under 1452, and it is a case of trying to treat the whole state and in the process of treating the whole state under one uniform system, you forget the individual problems. Richmond has been known and has been used many times as an example of the tremendous gains in education that were achieved by L. D. 1994. Richmond has a very, very little tax base. They have a great number of people in that community, a great number of students, they have many of the problems that go along with growing municipalities or municipalities that are in congested areas.

I will go to the heart of L. D. 1452 and what has happened. We have taken under L. D. 1452 and we have gone back and to achieve funding, for example, for this next year, you have to use by definition the preceding year as a basis. Richmond, before L. D. 1994 even, was contemplating building a high school or a new junior high school and they have pretty much committed themselves towards that goal. They finally built it this year and it just became available this last fall for inclusion of students and faculty. Therefore, this last year they have had the facilities, they have had the room, and of course by L. D. 1994 they have also had the money, not to come up to state average but at least accelerate rather rapidly to come somewhere near the state average for the cost of education per pupil. By the funding under 1452, we now have to go back to the year before they used the 1973-74 years to

determine what Richmond will be allocated to spend in the years 1975-76.

As a result, this acceleration that they had last year will go unnoticed. I can give you a few of the examples of what happens in practical terms. In 1971-72, they spent per pupil, this is on the secondary level, \$660 per student; 1972-73, they spent \$720; 1973-74 they spent \$889, and in 1974-75, they spent close to \$1,000, or they estimate or anticipate spending that much.

The problem that we have now is that with leeway, maintenance of effort, the escalation clause of 6 percent, that Richmond cannot, using all those things, raise or be funded from the state with matching funds on their part-raise the amount that they are spending for education right now, and they are still below state average.

They will probably have to, without going to the local tax dollar any more excessively than they are right now (I will give you an example of that in a minute) the maximum they would be able to raise for their students this year would be \$950. So they fall \$50 per student or over \$50 per student short. Actually, it is close to \$100; my figures are off here little bit, but it will be somewhere in the vicinity of \$925 and they are about \$1,025 right now.

One of the problems that creates this is that the Department of Education has said that under Section 1011 of the Maine Revised Statutes that physical education is mandatory if you have the facilities. They now have the facilities; they didn't have them before, they didn't have physical education before, but now they have the facilities so they have to fund that. That is about \$12,000. I don't think they would address that as one of their priorities, but by law or by the ruling of the Department of Education, they now have to address that as one of their priorities, so they have to cut some other course in order to comply or in order to get their spending down to the amount that will be funded to them this year.

I said \$950. I am saying that they are using every conceivable way that the state gives on matching funds to come up somewhere near the state average, and they are nowhere near it. The only way that they can raise the money is by going to the local taxpayers and asking them to raise around \$40,000 to \$50,000 more. Another problem they have, their state evaluation went up 40 percent and that impacts them on the subsidy.

They have a significant problem and the problem is that they are one of the towns we are dearly trying to help under this legislation, L. D. 1994, and we find that we are retarding them or taking them back somewhere near where they were before by this L. D. 1452. They are probably — I hate to give a figure because nine times out ten from what I have seen in this House somebody is wrong when they do — but there aren't many schools that will fall under this category. Hence, the reason for Amendment "V". It will set aside \$100,000 and it will allow the Department of Education to review given problems, and to make that money available on a matching basis of two to one that the state will give, for example, \$10,000 versus a town giving \$5,000. The reason we did that two to one matching is because these towns, even with L. D. 1994, or even if we have 1452, they are strapped.

We have talked about Wiscasset. My neighbor is Wiscasset. I have probably worked, talked, as a matter of fact, a lot of my family comes from Wiscasset, I probably know more people in Wiscasset than anybody in this House and I can tell

you, ladies and gentlemen, property tax in that town is a joke. We had a fellow firmly convinced — I worked with him at Bath Iron Works — we had him firmly convinced that with Maine Yankee he would get a rebate instead of paying taxes, and it is just about to that extreme.

I ask that you support this amendment. It means a lot to the kids in Richmond. It will mean that they have to cut programs, no question, they will have to cut back. I have never seen better kids, more closely knit to their faculty, more eager to learn and any more appreciative of what you did in the last legislature. I ask you to accept this motion of "ought to pass" and we will treat this problem, it is only for a year.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is a very uncomfortable position to be in, to be in opposition to everything.

This sounds like a very reasonable amendment. Richmond does have a problem, it is a problem that is common to many areas. We had one come before the Education Committee today which would do essentially the same thing to fund their programs the first year, you are opening up tremendous increases in state education; you just can't afford to fund it.

We have a fund that will take care of increasing enrollments. The Board of Education will sit down in October and look at the impact of increasing enrollments across the state and fund what they can to alleviate some of those conditions, but to fund start-up programs is an area that we have to be very careful to keep under control, and I am talking about start-up programs in every area, including special education and vocational education. I am sorry, Mr. Speaker, but I ask that this amendment be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would rise to support Mr. Leonard's position. I have a similar problem in my own area and it has been, at least in part, taken care of by the Education Committee. I think it is extremely unfortunate if this finds itself in the position where in the name of improving education through this whole program we actually put towns in the position where they can't maintain the quality of the programs which they are currently supporting. I would urge support for Mr. Leonard's amendment.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to pose a question if I could, probably to the gentleman from Livermore Falls. Isn't there a part of L. D. 1452 which would allow a town to have a second maintenance of effort? How would that enter into this particular situation?

The SPEAKER: The gentleman from York, Mr. Rolde, poses a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer the question if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This puts the burden right on the community to raise local dollars which will not be included in averaging and arriving at the state average per pupil cost.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I wasn't listening very carefully before, Mr. Lynch, but I understood that you felt that this amendment would address itself to any new programs, but as I understand it, this was a program that the school system in Richmond had previously contracted for under L. D. 1994 and now they would be in a position of having to raise the money themselves in order just to maintain this program, is that correct?

The SPEAKER: The gentleman from York, Mr. Rolde, poses an additional question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, in order to control the cost of public school education in this state, there has to be local dollars for a start-up program. If there is an unusual burden on any community, they can appeal to the Board of Education, but the department does not have money to make these adjustments during the course of the year. There is \$300,000 in the contingency account. I don't think that is going to go very far, especially if every district in the state runs in with a particular problem. I know it is difficult. Until there are more state dollars for funding public school education, I think you are going to have these uncomfortable situations in many school districts. That is the only answer I can give you.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker and Members of the House: I have a question to pose through the Chair to anyone who might answer it. That is, isn't it true that the State Board of Education is now requiring new programs to start up and Mr. Lynch spoke of new start-up programs, but as I understand it, this year all schools are supposed to have a special ed program in their schools and these are programs that they have never had before because they could never afford them and yet if the state mandates this and doesn't have the money to fund it, then I think we are making a mistake.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, the start-up programs in special education and vocational education are borne for the first year by the communities. That is why there has been great concern expressed that we do not have the controls on special education and vocational education that we need to have. We need to look three and four years down the road to anticipate this.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if everybody has reviewed Amendment "V" but all it is is a piece of relief that certainly we have an obligation towards the town of Richmond in this case, towards other towns, that we told them that they would have L. D. 1994 and it is for them and it would prove them finally with equal education. I appreciate the position of the Education Committee, and they have done an admirable job under very trying circumstances and conditions, but you cannot deal with all the state's problems

by one formula, you can't do it. We certainly have an obligation to somewhere along the way to continue or to show Richmond and other towns that we are not just going to now take the rug right out from under them when we have told them the money would be there. It is unfortunate. If they were at state average, what the heck. They aren't even there yet. If you do this to them it is going to take them a long time and they just don't have the tax base to raise the money to keep the programs, they just don't.

I told you one thing the other day that I thought was one of the greatest things I have ever heard. They used to have 10 percent of their high school student body that would drop out in a school year. This year they had one, but we are going to return it now back to what it was. I checked in places to cut, I said can you cut sports? My gosh, sports in that city don't amount to a hill of beans and certainly sports are a part of education. They don't spend nearly as much as other towns still in that area. They have programs that they never had before, but I didn't think you could get along without them. I just think that — I am not much of a humanitarian at times but I think this time we have made the gesture in the first place, and I think we ought to continue it somewhat. It is not going to solve all their problems because there is going to be a lot more money they will have to raise on local dollars, but at least we will give them a minimum, and that is what the amendment says, a maximum of \$20,000 and it can't exceed \$100,000. I don't see where we are going to jeopardize the whole State of Maine. It has got a maximum of \$100,000 no matter how many apply, and it has another thing, that you can't program it to come out short. They say you can't apply for it until within 90 days of the end of your year. I just don't see, I think Richmond is being very fair in this case of requesting a very small amount of what they will need.

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that House Amendment "V" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Leonard of Woolwich 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 pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that House Amendment "V" be indefinitely postponed on Bill, An Act to Fund Public School Education, House paper 1437, L.D. 1452. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Ault, Bennett, Berry, G.W.; Birt, Byers, Call, Carroll, Carter, Churchill, Cote, Cox, Drigotas, Dudley, Durgin, Farley, Farmhan, Faucher, Flanagan, Garsoe, Gauthier, Hall, hennessey, Hunter, Hutchings, Immonen, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Laffin, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell,

McBreairty, McKernan, Miskavage, Morton, Norris, Pelosi, Perkins, T.; Powell, Raymond, Rideout, Saunders, Silverman, Snowe, Susi, Teague, Theriault, Torrey, Tozier, Tyndale and Usher.

NAYS: Bachrach, Bagley, Blodgett, Bowie, Bustin, Carey, Carpenter, Chonko, Clark, Conners, Connolly, Cooney, Curran, P.; Curtis, Dam, Davies, DeVane, Doak, Finemore, Fraser, Goodwin, H.; Gould, Gray, Greenlaw, Henderson, Hobbins, Hughes, Ingegneri, Jackson, Kany, Kennedy, LaPointe, Leonard, Mackel, Martin, A.; Mitchell, Mulkern, Nadeau, Najarian, Palmer, Peakes, Peterson, P.; Peterson, T.; Pierce, Post, Quinn, Rolde, Shute, Smith, Spencer, Sprowl, Talbot, Tarr, Tierney, Twitchell, Wagner, Walker and Wilfong.

ABSENT: Berube, Boudreau, Burns, Curran, R.; Dow, Dyer, Farley, Goodwin, K.; Hewes, Higgins, Hinds, Jacques, Lunt, McMahon, Mills, Morin, Perkins, S.; Rollins, Snow, Strout, Stubbs, Truman, Webber and Winship.

Yes, 67; No, 58; Absent, 25.

The **SPEAKER:** Sixty-seven having voted in the affirmative, and fifty-eight in the negative, with twenty-five being absent, the motion does prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Concerning Listing of Tax Exempt Real Property for Town Reports," Senate Paper 496, L. D. 1843, the Chair appointed the following Conferees on the part of the House:

Messrs. **BURNS** of Anson
CAREY of Waterville
Mrs. **TARR** of Bridgton

Mr. Gauthier of Sanford was granted unanimous consent to address the House.

Mr. **GAUTHIER:** Mr. Speaker, Ladies and Gentlemen of the House: I would like to commend Mr. Lynch for the wonderful job that he did. He did a nice job and I think he should be commended by the House. (Applause)

Off Record Remarks

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. **LYNCH:** Mr. Speaker, Ladies and Gentlemen of the House: I think the compliment given to me few minutes ago, was undeserved. This was the work of the Education Committee, and I mean the whole committee.

Off Record Remarks

On motion of Mr. Rolde of York,
Adjourned until nine-thirty tomorrow morning.