

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

Wednesday, May 14, 1975

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

Prayer by the Rev. Henry L. Bird of South Freeport.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication:

May 13, 1975

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

The Senate voted today to Adhere to its action whereby it accepted the Majority Ought Not to Pass report on Bill, "An Act Relating to Compensation for Minors Delivering Newspaper Supplements." (H. P. 910) (L. D. 1109)

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I realize that today is the death blow to the newspaper supplement bill. I am not going to make a long speech; it is going to be very short. The only reason I make it, and I realize there is nothing that can be done to change the report or change the other body, so the only reason that I make the little talk that I am going to make is for the benefit of the newspapers when they read the record, and I am sure they do read the record.

I have attempted in the past legislatures and this legislature to play fair with the newspaper publishers of this state. I have asked for very little for the newspaper boys. I think I have been more than reasonable. But because of the lobbying efforts for the paper companies in this state, the newspaper companies, this bill has seen fit to be killed in the other body.

When this was referred to committee, I knew this was going to happen, but I thought there might be some way to change it, even with the amendment that I sent back as a compromise for one-half cent, but evidently that had no effect.

So today I stand here to put into the record, for the benefit of the newspapers of this state, that they will never see this bill back sponsored by me in this legislature again or any other session, because there is only one alternative to go, and that is with an initiated bill and take it to the people. And I can assure the newspapers, when this happens it will not be for a half cent, but it will be for two cents at least, and maybe three. I say that the people of the State of Maine would sign these petitions and I would have no problem.

Now, the newspapers may say that it is going to cost money to do this. Well, I can assure the newspapers of this state this morning, as I stand on this floor, that already I have had some money pledged and there will be more coming. It will not cost Everett Dam one cent of his money, because already the offers have come in, and I can assure the papers that we will have an initiated bill that will get the newspaper boys adequate compensation.

Thereupon, the Communication was ordered placed on file.

From the Senate: The following Communication:

May 13, 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 to Increase the Veteran's Property Tax Exemption" (H. P. 1174) (L. D. 1172).

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 13, 1975

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

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Concerning Listing of Tax Exempt Real Property for Town Reports" (S. P. 496) (L. D. 1843)

Senators:

JACKSON of Cumberland
GRAFFAM of Cumberland
CARBONNEAU of Androscoggin

The President also appointed the following members of the Senate to the Committee of Conference on Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature (H. P. 1510) (L. D. 1827):

Senators:

GREELEY of Waldo
ROBERTS of York
DANTON of York

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

Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Require Municipalities in Certain Situations to Pay Liability on the Part of Operators of Fire Department Vehicles" (S. P. 304) (L. D. 1029)

Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Abolish the Department of Business Regulation" (S. P. 475) (L. D. 1670)

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

Leave to Withdraw

Committee on Business Legislation reporting Leave to Withdraw on Bill "An Act Establishing the Uniform Motor Vehicle Accident Reparations Act" (S. P. 190) (L. D. 659)

Committee on Judiciary reporting Leave to Withdraw on Bill "An Act to Amend the Alcoholism Intoxication and Treatment Act" (S. P. 422) (L. D. 1389)

Committee on Judiciary reporting Leave to Withdraw on Bill "An Act to Provide that Judges of the District Court

shall have the Authority to Order a Mental Examination to Ascertain Responsibility for Criminal Conduct" (S. P. 479) (L. D. 1612)

Committee on State Government reporting Leave to Withdraw on Bill "An Act to Provide for Constitutional Convention for the Purpose of Revising or Altering the Constitution of the State" (S. P. 455) (L. D. 1618)

Came from the Senate with the Reports read and accepted.

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

Ought to Pass

Committee on Taxation reporting "Ought to Pass" on Bill "An Act Exempting Alcohol and Drug Abuse Centers from Payment of State Sales Tax" (S. P. 265) (L. D. 864)

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

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

Ought to Pass in New Draft Tabled and Assigned

Committee on Natural Resources on Bill "An Act to Clarify the Meaning of the Term 'Abutting' under the Site Selection Statutes" (S. P. 298) (L. D. 1024) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Specify which Activities on Lands Adjacent to Great Ponds, Rivers, Streams and Brooks Need Permits" (S. P. 514) (L. D. 1876)

Came from the Senate with the Report read and accepted and the New Draft under New Title passed to be engrossed as amended by Senate Amendment "A" (S-147)

In the House, the Report was read.

(On motion of Mr. Rolde of York, tabled pending acceptance of the Committee Report in concurrence and tomorrow assigned.)

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Make Administrative Regulations Available to the Public" (S. P. 296) (L. D. 1022)

Report was signed by the following members:

Messrs.. GRAHAM of Cumberland
CURTIS of Penobscot
— of the Senate.

Mrs. KANY of Waterville
Mrs. SNOWE of Auburn

Messrs: WAGNER of Orono
CARPENTER of Houlton
PELOSI of Portland
COONEY of Sabattus
LEWIN of Augusta
STUBBS of Hallowell
QUINN of Gorham
FARNHAM of Hampden
— of the House.

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

Report was signed by the following member:

Mr. WYMAN of Washington
— of the Senate.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

On motion of Mr. Cooney of Sabattus, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Ballots Containing Improper Write-in Votes" (S. P. 84) (L. D. 255) which was enacted in the House on May 8.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-146) in non-concurrence.

In the House:

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

Mr. ROLDE: Mr. Speaker, I move that we insist.

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

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

The SPEAKER: The gentleman from Bangor, Mr. McKernan, moves that the House recede and concur.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I will ask for a division on the recede and concur motion.

L. D. 255 came out of the Election Laws Committee with a unanimous "ought to pass" report. It simply clarifies the statutes regarding write-in votes that could be counted. It specifies that if a voter put a cross or a checkmark in a square in the lines not having a candidate and did not write in a name and municipality, the vote would not be counted.

We were furnished with samples where this happened, and in some cases, the vote was counted for the candidate directly above the vacant line. Even though the voter had been very careful to mark the rest of the ballot correctly.

It was the unanimous opinion of the committee that the intent of the voter in that particular instance was either to vote for no one or that he or she forgot to write in the name and municipality of the write-in candidate. Therefore, the vote should not be counted.

Senate Amendment "A" which has been added to this bill is a direct contradiction and would disenfranchise many voters. The committee realized there is a problem in this area. Senate Amendment "A" tries to address this problem. We have discussed the problem. In fact, we are still working on it. We are considering changing the square back to the right and making other changes, but we have reached no definite conclusion. Therefore, I think Senate Amendment "A" is premature and hastily written.

As you know, the Election Laws Committee will be coming out with an Omnibus Bill and, hopefully, we will be studying the whole procedure during the summer and fall months. I am sure this amendment is well intended, but I feel very strongly that it is rushing to conclusions that could be disastrous and, infringe upon the rights of many citizens to vote. Therefore, I ask you to defeat the recede and concur motion so that we might insist and take this amendment up in committee later on and come out with something that will be fair to everyone.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, urge you to defeat the motion of the gentleman from Bangor, Mr. McKernan, to recede and concur and, Mr. Speaker, I would also ask when the vote is taken that it be taken by the yeas and nays.

I would just make one point about this amendment that was added in the other body. As some of you remember, the Attorney General, the previous Attorney General ruled that if a voter did, because we had changed the box from the right to the left, mark his ballot on the right, that that would be a valid vote.

In the Statement of Fact on the amendment that was put on in the other body, it says, "This amendment clarifies existing law, which law was placed in an ambiguous position as a result of an erroneous opinion of the Attorney General." That that is a fairly, I almost think facetious, remark in a statement of fact on a bill, because the only body, as far as I know, that determines that the Attorney General has not ruled wisely is the Supreme Court of the State of Maine. Therefore, I strongly urge you to defeat the motion to recede and concur, defeat this amendment and then we can stay with the bill.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just clarify what the amendment says so that everyone knows exactly what we are voting on. I will agree with the gentleman from York, Mr. Rolde, that this amendment did, in fact, come about because of an opinion by the Attorney General.

The amendment says that if a voter fails to mark his ballot so that some part of the cross or check mark is within the proper square, the mark is ineffective and a vote for the candidate or a question concerned must not be counted. The reason for that is because the existing law in Title 21, which is the title for our election laws, Section 921, subsection 1 says, and I quote: "He shall place a mark in the square at the left and close to each candidate. . . ." So our present law specifically says that the voter must put his mark in a square. Yes, there was an Attorney General's opinion which said that it is the intent that counts. Well, if it is the intent that counts, why didn't the law say that it is the intent that counts. The law says that he must place his mark in the square. This amendment says not that the whole mark has to be in the square, but that some portion of it, at least, has to be in the square.

Further, Title 21, Section 702, subsection 2-c says that the following instructions must be printed in bold type at the top of the ballot. Make a cross or a check mark — and I emphasize this — in the square at the left of the nominee. And further down it also says "in the proper square at the left."

Now we have a statutory provision and we have directions right on the ballot that in fact you are supposed to put your mark in the square. So the intent of this amendment is to say that yes, you have to put it in a square, but we are not going to say that the whole thing has to be in the square, but at least a part of your mark has to be in the square, rather than this Attorney General's opinion which some of us feel is erroneous and is not, in fact, what the law intended, which says you can put it any way you want, as long as somebody can figure out what your intent was. If that was what the legislature wanted, the law would say, put your mark somewhere so that somebody counting the ballot will know what your intent was. That is not what the law says, it says, put it in the square, so this amendment says that at

least put part of it in the square. That is why we want to recede and concur, so that we can be consistent with our present law on the books.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would concur with the fine young gentleman from Bangor, Mr. McKernan, that the Attorney General's ruling — the Attorney General was Jon Lund, that was done two years ago. I have had an old saying on the Floor of the House — Oh Lord how long, Oh Lord how long? It is two years later, things have changed, the Honorable Joseph Brennan is the Attorney General and this is a gimmick bill, and we are not going to recede and concur; we are going to insist.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I don't know what will happen when I ask this question but the bill that we are considering is relative to a write-in name on the ballot and how to vote for that particular situation. The amendment that we are considering is the location of the check mark that a person puts on the ballot. The amendment appears to affect a different section of the law to what the law was. I would ask the Speaker if the amendment is germane to the bill?

The SPEAKER: The gentleman from Millinocket, Mr. Birt, poses a question to the Chair on the germaneness of Senate Amendment "A".

The Chair would rule that Senate Amendment "A" is not germane. The matter will be sent back to the Senate, this body having passed the bill to be enacted.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Every once in a while there has got to be some levity. You have to enjoy yourself after having sat here and sweated it out 28 out of 30 years — ~~just stick around Representative McKernan, it will be back.~~

Non-Concurrent Matter

Bill "An Act to Establish County Commissioner Districts in Cumberland County" (H. P. 223) (L. D. 279) which was passed to be engrossed in the House on May 1.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This bill was killed in the Senate and I guess the feeling by at least one member was that members of his particular party, and mine also, might not stand a chance to be elected under my bill. The purpose of the bill is not to elect Republicans, Democrats or Independents, it is to elect people who represent the people and the districts supposedly, of Cumberland County. I would move that we insist.

Thereupon, the House voted to insist.

Orders

On motion of Mr. Albert of Limestone, it was

ORDERED, that Harvey DeVane of Ellsworth be excused May 15 and 16 for personal reasons;

AND BE IT FURTHER ORDERED, that Donald Strout of Corinth be excused May 20 and 21 for health reasons.

Mr. Talbot of Portland presented the following Joint Order and moved its passage: (H. P. 1582)

WHEREAS, equal education is the right of every child and the Maine Human Rights Commission believes that textbooks, an integral part of this education, used in all elementary and secondary schools, must be examined and evaluated periodically in terms of their latent content; and

WHEREAS, there is national as well as state-wide concern and dissatisfaction with the standard texts as they relate to sex-stereotyping and the lack of accurate contributions made by all ethnic and racial groups to our State and nation's growth and development; and

WHEREAS, the Maine Teacher's Association has been actively interested in a textbook study to assist in positive curriculum changes especially in the area of sex-role stereotyping; and

WHEREAS, the Maine State Department of Educational and Cultural Services has included in its Affirmative Action Plan the necessity for eliminating sex and race-role stereotyping in the curriculum of the local educational agencies in Maine and will carry out whatever research projects are necessary; and

WHEREAS, it is the responsibility of educators and of all interested citizens and groups to inform themselves of the fairness and completeness of textbooks currently used in our schools and to work for the exclusive use of totally adequate books which depict society and its changing conditions; now, therefore, be it

ORDERED, the Senate concurring, that a special committee be created consisting of 2 Senators to be appointed by the President of the Senate, 3 Representatives to be appointed by the Speaker of the House, the Chairman of the Maine Human Rights Commission, the Chairman of the Maine Education Council and the President of the Maine Teachers Association to set up criteria for a comprehensive study of textbooks used in elementary and secondary schools in Maine and further authorized through a textbook committee to utilize community groups, educators, parents and students in carrying out the purposes of this Order; and be it further

ORDERED, that the special committee shall present a written report of the findings and recommendations of such textbook committee, together with such legislation as it deems appropriate, to either the next special or regular legislative session; and be it further

ORDERED, that upon passage in concurrence, a copy of this Joint Order be transmitted forthwith to said agencies as notice of this directive.

The Order was read.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would move indefinite postponement of the order and speak to the motion.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the order be indefinitely postponed.

The gentleman may proceed.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: For those people

who don't remember what the order said; basically, it is setting up a commission to decide what is going to be in the textbooks in the local school system. The makeup of the commission would be two Senators, three members of the House, the President of the Maine Teacher's Association, the Chairman of the Maine Education Council. Strangely enough, those people who are directly involved with the education of our young people at the local level have effectively been left off this commission. I don't even think that it is worth amending. I think the textbooks and the selection of textbooks should be decided at the local level and not by some dictate at the state level. Therefore, I would hope that you would support the motion to indefinitely postpone.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the gentleman from Waterville, Mr. Carey, is absolutely right in what he is trying to say. Let me give you a little background. This Joint Order was put in after a number of inquiries which I made because I was going to present two bills to this body, to the legislature, dealing with textbooks that I think would have upset a lot of apple carts and it would have made a lot of people uneasy. I got together with members of the Human Rights Commission and somebody else and got together to find out what we could do to make it a feasible and applicable to everybody and also get the job done. That is why we ended up with this order.

This order does not say that we will dictate to anybody what kind of textbooks are going to be used in our public schools. All this order does is set up a committee to deal with the study of textbooks that are now being used in our schools. As you know and as I know, there are textbooks being used in our public schools right now that are derogatory and detrimental to the education of our school children. This order would set up a committee to study that. I don't think that has ever been done in this state.

We touched bases with the Department of Education, with the MTA, with the Human Rights Commission and all of these people, we went through about five different drafts in order to get this particular Joint Order down to where everybody was satisfied.

With that in mind, I would hope you would defeat the motion of the gentleman from Waterville, Mr. Carey, of indefinite postponement.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't realize this order was coming up again and I left my speech home, but I would just like to object, even if it is for the record. I believe this is a result of ERA and has been done in a few cases in other states, in the first reading books of those going to school where the language is very simple and it says "Jack sees mother." "Mother sees Jack," "Come to mother." "Jack comes to mother." They want to get rid, in some cases of the word mother, because it doesn't depict the current changes in society. I don't think that we need to use "it" in persons in such textbooks. I can just imagine where a child might read "Come to person" or "Come to it." This type of this. I guess maybe this is a mother's bill. I would like to object; I don't

think we should be spending our taxpayer's money for any such thing.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe there is a need for the order. The textbook situation is being scrutinized on a national level. I don't think textbook publishers would print special books for the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: We already have in our Department of Education and in all of the various districts and/or unions, towns and so forth a very comprehensive structure to lay out curriculum to design or to approve textbooks. I assure you that these people are extremely competent. I would add that there seems to be no need or reason for this order. I hope that we vote with the gentleman from Waterville, Mr. Carey.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the house: I will agree 100 percent with the gentleman from Waterville, Mr. Carey, I think that the school department should be run by the teachers, not by this legislature. I think many times we try to tell our schools what to do. I think that if certain individuals want to change our system, if they want to change things, then let's let it go to the people.

There is nothing wrong with our schools. I am not an educator and I don't know the first thing about it, but I do know that they know more about what books should be in our schools than I do, and I feel that is the important thing. Our teachers, let them run the schools, we will run the state, but let the schools be run by the people who run them.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I don't know about most of you, but I have four children in school, and I pay tax dollars to those schools so that those children can get the best education possible. I am under the feeling right now that they are not doing that, and most of you are under the feeling they are not doing that. I am not trying to knock the schools in this state, I think they are good schools. I think every once in a while, we as responsible parents and we as responsible legislators must insist on the actions of what goes into textbooks and how that is being portrayed to our children.

I have no idea where one of the previous speakers got that this has anything to do with the ERA. I have no idea where that came from; this has nothing to do with ERA, as far as I am concerned it doesn't. All it concerns itself with is that we get into our textbooks to find out what is there and what is being taught to our children.

My eight-year-old came home from school a week or so ago where she had taken a test. Because of that test, the teacher wrote a note to us as her parents saying that her reading was something like first grade. That kind of disturbed both me and my wife, because my eight-year-old is a pretty bright young little girl. So, we went to a couple of other teachers. So we know and found out what was

the best action to take insofar as getting another test taken. Another test was taken and come to find out the child was reading normal. Something is wrong somewhere. I think it is our responsibility to find out where that wrong is and to do something about it. If you want to shuck that responsibility, okay, that is fine with me. Vote for indefinite postponement if that is what you want to do. I don't think that should be our responsibility. I think our responsibility should be to make sure what is best for our school children.

They did a study in Washington where they were up in Portland, Maine, and if you have ever read "Children out of School in America" you will find out that it is very, very disturbing. I have read it; it is very, very disturbing, especially in the Portland area. I can visualize just from reading this report that when I went to school, and my kids are going to school today, not much has changed insofar as keeping kids in school, why we have such a school dropout and what should be taught to our kids in school.

I would sincerely hope that you vote against indefinite postponement and, Mr. Speaker, when the vote is taken I request the yeas and nays.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am, among other people, fairly well known as a do-gooder and a bleeding heart on a lot of these issues, and I think I agree with the principle of the Equal Rights Amendment, of the fact that sex discrimination ought to be completely eliminated from the textbooks in our schools, as well as racial discrimination and other things, but I also think that to the extent that is possible, these kind of decisions ought to be made at the local level and there doesn't seem to be an overwhelming need that the state take on this responsibility.

In the city of Bangor, we have an elected school board. I think virtually everybody has an elected school board. Portland included, and the people in Bangor were concerned about this problem and setup an advisory committee on sex discrimination in the textbook. Those people did their homework, they made recommendations to the school board, they have incorporated the parents and the teachers and so forth and really did a great job.

I am concerned that this particular problem at the state level could really get into an imposition of what kinds of things are going into our textbooks. I am concerned about that, but I am concerned about being able to influence the kind of textbooks that deal with my child's education and not with the child's education somewhere else in these areas. All of us have opportunity to influence this.

I am also afraid that this could react in the opposite direction from what those people who are proposing this intended. That is, it very well may be that other kinds of educational issues may be raised up in this public input, possibly hearings that are concerned, and a lot of other things are going to be raised that are going to result in some sweeping recommendations, possibly, would not necessarily go in the direction that the people here propose. I think the intent is very good, but I think to the extent that we can do this in our own communities and we have the responsibility to do it, that is where we ought to do it.

The SPEAKER: The Chair recognizes

the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: Very briefly, as I read the order, all that it asks for is that a study be undertaken. It doesn't mandate that anything result after the study is accomplished. It seems to me that given the passage of the Equal Rights Amendment in Maine anyway, and given the biases and the prejudices that have been exposed over the past few years because of the work of the Human Rights Commission, that this kind of a study isn't out of order. It seems to me that this order is just allowing a study to be undertaken and then certain things can be accomplished or not accomplished after that study is completed. It really seems to me that you should vote against the indefinite postponement motion.

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 Representative Talbot's Joint Order, Re: Commission to Study Textbooks, House Paper 1582, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Burns, Byers, Call, Carey, Carter, Churchill, Conners, Cooney, Cote, Cox, Curran, R.; Curtis, Dam, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Henderson, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Laffin, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Morin, Morton, Nadeau, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Raymond, Shute, Silverman, Smith, Snowe, Spencer, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship.

NAY — Bachrach, Bustin, Carpenter, Chonko, Clark, Connolly, Curran, P.; Davies, Dow, Goodwin, K.; Hennessey, Kennedy, LaPointe, Mitchell, Mulkern, Najarian, Pelosi, Powell, Rideout, Rolde, Rollins, Saunders, Snow, Talbot, Tierney, Tozier.

ABSENT — Bennett, Blodgett, Carroll, DeVane, Faucher, Kelley, Leonard, Lunt, Martin, R.; Peakes, Pierce, Quinn, Strout.

Yes, 110; No, 26; Absent, 14.

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

Mr. Kelleher of Bangor presented the following Joint Order and moved its passage: (H. P. 1583)

WHEREAS, the Maine Legislature is widely known by its wisdom and talent in many fields, athletic competition being but one; and

WHEREAS, it has come to the attention of certain Legislators that there are those among the limited forces of the Attorney General who dabble in sports; and

WHEREAS, against all odds and despite the inability to keep an eye on the ball or to get beyond first base, this small band cares to proclaim its fame in softball; and

WHEREAS, this uncalled group may give this opinion, making children laugh and shout, but there'll be no joy in Augusta when the mighty generals strike out; now, therefore, be it

ORDERED, the Senate concurring, the occasion being most solemn, that the 107th Legislature challenges to trial by combat in the ancient and noble game of softball, the Attorney General and all the persecutors within his command who wish to undergo athletic vanquishment at the hands of the Legislature; this trial to be held the 27th day of May at Capitol City Park with all due regard for pomp and circumstance; and be it further

ORDERED, upon mutual agreement, there shall be but one umpire for the contest, a Legislator, who shall be qualified and experienced in umpiring the Legislature and Attorneys General continually for not less than 15 terms; and be it further

ORDERED, that the Speaker of the House, the President of the Senate and the Governor of Maine shall provide arbitration and mediation within the limits of their ability with a right of appeal for blind justice to the Justices of the Supreme Judicial Court; and be it further

ORDERED, that advice on the strategy and tactics of softball shall be provided by members of the third House, who have the reputation of knowing the ins and outs of the game; and be it further

ORDERED, that for fair, impartial and objective reporting of this contest, both teams designate the Members of the State House Press Corps for their known impartiality and delicacy in handling legislative affairs; and be it further

ORDERED, that suitable copies of this Order be transmitted forthwith to the Attorney General and such other parties named herein as official notice of this Order.

The Order was read.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: For you who may want to participate in this very noble game, the Speaker of the House and the Majority and Minority Floor Leaders will be taking applications for positions on the team.

I might add that downstairs they do have somewhat of a reputation of hitting foul balls, so I would suggest that we put a real good team together, and I suspect there is a gentleman in the House who may qualify as the umpire, and he is going to be the sole umpire for balls and strikes but also for the bases because of his impartial attitude towards this House when we played the Curtis All-Stars two years ago.

So I would appreciate those of you who have the ability to play to submit your names to the leadership, because there are screening committees and I suspect that we will have a fine time after the softball game.

The SPEAKER: The Chair recognizes

The gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, I move this order be killed.

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

Mr. HEWES: Mr. Speaker and Members of the House: I don't think it is germane, but I did speak to Ex-Governor Curtis last week and he is interested in reviving the aching muscles and stiff joints of the All Stars and I hope we can play them before the year is out also. But I don't know if he wants the same umpire that we had last year, however.

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

**House Reports of Committees
Leave to Withdraw**

Mr. Greenlaw from the Committee on Marine Resources on Bill "An Act to Modify the Laws Relating to Lobster Fishing Licenses" (H. P. 1253) (L. D. 1548) reporting Leave to Withdraw.

Mr. Jackson from the Committee on Marine Resources on Bill "An Act to Manage, Regulate and Conserve the Lobster and Crab Fishery" (H. P. 1239) (L. D. 1265) reporting Leave to Withdraw.

Mr. Curtis from the Committee on Marine Resources on Bill "An Act Concerning Shellfish Licenses and Fisheries Inspection" (H. P. 1436) (L. D. 1790) reporting Leave to Withdraw.

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act Prohibiting Municipalities from Excluding Nonresident Maine Citizens from Obtaining Local Shellfish Digging Licenses and Authorizing Municipalities to Charge Higher Fees to Non-resident Maine Citizens for those Licenses" (H. P. 1026) (L. D. 1305)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. BERRY of Cumberland
REEVES of Kennebec

— of the Senate;

Messrs. MACKEL of Wells
JACKSON of Yarmouth
CONNORS of Franklin
GREENLAW of Stonington
MILLS of Eastport
WEBBER of Belfast
CURTIS of Rockland
BLODGETT of Waldoboro

Mrs. POST of Owls Head

— of the House.

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

Report was signed by the following member:

Mr. JENSEN of Portland

— of the House.

Reports were read.

Mr. Greenlaw of Stonington moved the House accept the Majority "Ought not to pass" report.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would ask you to defeat the motion to accept the "ought not to pass" report. This is my bill. I introduced it at the request of several constituents of mine.

I represent two towns that border on our coastal towns and in an area where there is very little open clam flats to begin with, and those that are open are closed by the coastal towns to non-residents.

This bill is very straightforward and simple in its intent. It is to simply say to any town that when they develop their shellfish ordinances under Title 12, Section 4251 and 4252, that they do not exclude residents of other Maine towns but that they may charge an additional fee to these non-residents.

I have introduced this bill, as I said, because I had many constituents complain to me because they can't go down to coastal towns and dig clams. I think one of the things that upsets them the most is that these coastal towns may close off their flats for non-residents to dig clams, but the town of South Berwick or any other town in the state can't close off their forest areas for the coastal residents to hunt or fish or trap. We are talking about natural resources of this state, and I think that we should not discriminate between these resources.

Another point that bothers one of my constituents is that bordering Maine and New Hampshire, they look at the State of New Hampshire with only 13 miles of coastline, and any resident of the State of New Hampshire can dig clams by paying a fee of \$4.50. They have only got, as I said, 13 miles of flats, yet, their flats also support a large commercial clam digging industry.

In taking a look at those towns which have established shellfish ordinances, this bill would only affect a few, because most of the towns in the state that have established their own ordinances do allow non-residents with certain qualifications such as maybe only digging a peck or charging additional fee to dig clams, the point I want to try and make is that no town on the coast should be able to close their flats off to another Maine resident.

There has been a court case on this, and the court ruled — I don't feel they went far enough — they ruled that if a town wants to close their flats off they can, but they must have some pretty good reasons to do so. I feel that if they have the reasons to do so, then they should just limit the number of licenses issued, but they shouldn't restrict those licenses to only residents. Therefore, I would hope that you would defeat the motion of "ought not to pass" and go along with the motion of "ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I think I would like to very briefly indicate to you why I think the majority of the committee signed the "ought not to pass" report.

The question of clam management in the State of Maine has been one which is alternately shifted between the state and the local towns. Presently, the local communities have management of the clam resources and it is a question of local management.

The good gentleman from South Berwick accurately gave you the results of the court's decision that recently concerned the Town of North Haven, the town which the good gentlelady from Owls Head represents. I think the question is, in a given town, whether or not they are going to have the right to make a determination of local management of their resource. That local management, depending on the amount of resource, may well, in fact,

include the prohibition of non-residents from digging in that particular area.

There are, in fact, only four communities in this state that do preclude non-resident digging. One of them happens to be Kittery, and I think this is the reason why the good gentleman from South Berwick has introduced this bill.

I think perhaps the Representative from Kittery, Mr. Kauffman, would advise the House on why Kittery does have a non-resident digging provision in their conservation plan and why they think it is necessary.

I hope you will support the "ought not to pass" report.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope you will support the "ought not to pass" report of the committee. Under the present statutes, any town has a right to establish an ordinance which must be approved by the Commissioner of Marine Resources, and it allows the town to establish restrictive digging, providing they have an ordinance.

The town of Kittery has an area of approximately six or seven acres that is open to clam digging from the first of October until the first of May. This year, during the red tide situation, we didn't open the flats until the first of March. We charged \$3 for each resident license. That resident license means just what it says — residents, not taxpayers.

In the middle of April, the town warden recommended we close the flats because they were digging so many out of there. Now, I can see if these are opened to non-residents, the clams will be gone.

A few years ago there were no clams in the Kittery flats, due to the fact that the green crabs were in there and they eat the soft-shell clams before they develop.

We established a program, in cooperation with the state, each year the town takes the fees from the licenses and promotes a poison bait program for these crabs. The town council has in their budget money for this.

I think this whole bill started when some of Representative Goodwin's constituents who work in the shipyard heard the Kittery residents who work there telling about the wonderful clam digging at Braeboat Harbor, and I don't believe that the majority of the constituents in South Berwick or Berwick think that they should come down and dig our flats out. This would open digging all over the state.

I am very familiar with down around the Hancock area where several of my friends make their living digging clams, and I can see an influx of non-residents going in there. And in regard to Seabrook, which is a town in New Hampshire mentioned, they have several acres of clam flats, but I assure you right now, if I was a resident of Dover, New Hampshire, I wouldn't be able to go down to Seabrook and dig clams, because when I come back to my car, probably the tires would be slashed or something like that. So even though New Hampshire does allow it, there are very few New Hampshire residents, other than the residents of Seabrook, who dig there. And I urge you to support the "ought not to pass" report.

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

Mrs. POST: Mr. Speaker and Members of the House: As a representative of the

island of North Haven and several other areas which are affected by this particular bill on the clam ordinances, I feel I would like to speak of it.

Representative Goodwin made the statement that there was a court decision several months ago, or several weeks ago, which said that — and I think it is a quote — that you have to have a pretty good reason to close out your flats to non-residents. Actually, the quote went a little bit further than that. What they said was, in order for a town to close its clam flats to non-residents, it had to have a sound conservation practice and that that decision of limiting entry had to be based on sound conservation practices and the biological evidence and right now, the Department of Marine Resources has been spending a great deal of time with these communities while they go to work and try to set up some basic conservation programs. What the community of North Haven had tried to say before was simply because they were an island community, they were isolated and had no other industries to fall back on, that they needed the protection for this industry. The court says you can no longer do that.

The decision now on whether to close a clam flat either to residents or non-residents can be made only on the basis of what is good for the clams themselves or what is good for the industry itself, not on whether you want to protect your own turf.

I think perhaps a year ago there might have been a basis for this kind of proposal, and perhaps it was needed a year ago. I think it is very clear to those of us who have read the decision and studied its implications to the state, feel that this bill is no longer needed because, in fact, the communities cannot close its flats to any non-resident unless there is sound conservation reasons for doing so, and I think that we certainly all want to go along with that process. So I ask you to accept the majority "ought not to pass" report.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would just like to point out that it is true that only four towns limit to residents only, but there are actually 18 towns, unless you are a property owner that you can't dig them. So there are more towns if you are a non-resident, Maine resident, living near these towns, you won't be able to dig in them unless you own property there.

I would like to point out that what I am saying in this bill is not that I want to open up all the clam flats to everybody in this state to dig these flats out. What I am trying to say is, if the town of Kittery feels that their Braeboat Harbor, and I know this place well, I used to lobster out of there, that this place can only handle a hundred licenses, or X-number of licenses, that that X-number of license should be open to all Maine residents, because I feel that the tax dollars are going to support the research behind the clam industry to aid in a variety of services for the clam industry. I think it is the same thing as, you know, if our deer herds are getting a little low in South Berwick, we can't close off our forest areas to York or Kittery residents or any other resident of the state. I think this is a natural resource that is available to all members of the state, and I just feel that by allowing the present situation to continue that we are discriminating against any person simply

because they may live on the wrong side of a town border.

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

Mr. DOAK: Mr. Speaker and Members of the House: I have a question I would like to pose through the Chair to anyone who might like to answer it. Having been on the Natural Resources Committee and hearing many times that the state owns the land under water at high tide and all, governing it by great ponds act, wetlands act and shoreline zoning act, my question I guess would be, who owns the land that these clam flats occupy?

The SPEAKER: The gentleman from Rangeley, Mr. Doak, has posed a question through the Chair to any member who may care to answer.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, to answer the gentleman's question, it is my understanding that the state owns the clam resources that we are talking about today.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I can't really answer the question of the gentleman from Rangeley except that it has always been my understanding if a clam resource is non-polluted, that the municipality has the power to set up rules and regulations concerning it. If the area is polluted, then the state has control of it.

We have a situation in the town of York where we have three places where one can clam; two of those are polluted and under the jurisdiction of the state and the other is the opposite side of Braeboat Harbor, that the gentleman from Kittery has mentioned. The pressure for clamming has been such because that is now the only area in the town where any clamming is allowed. Braeboat Harbor has been closed on the York side, simply because the clams have been dug out.

I would address myself to one of the statements made by the gentleman from South Berwick which has me a little bit puzzled, because he equates this to a hunting situation and says that no town can stop a non-resident from hunting in their town. However, it is my understanding that that is a decision that is generally left up to the individual landowner and that he can post his land if he wants to against anybody, resident of his town or non-resident. I know in our town, we have areas in the town that are zoned against hunting by anybody, whether they are residents or non-residents.

The SPEAKER: The pending question before the House is the motion of the gentleman from Stonington, Mr. Greenlaw, that the House accept the Majority "Ought not to pass" Report. The Chair will order a division. If you are 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. 84 having voted in the affirmative and 18 in the negative, the motion did prevail. Sent up for concurrence.

The following Enactor was taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

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

Was reported by the Committee on

Engrossed Bills as truly and strictly engrossed.

Mr. Cooney of Sabattus requested a roll call vote.

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

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

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise here today, and I fully realize that what I am about to say will have no effect on the people here voting on the passage of this bill, but I do want to get my feelings into the record and why I don't feel that I can vote for this bill.

Personally, I don't think we have been made fully aware of the problems that we will be facing in the second year in the area of funding the second year of the biennium. I feel there has been a very concentrated effort made to patch this bill up and send it on its way and to get a patchwork job done. I think when we come back in the special session that we will really have to face up to the problems.

I also have serious doubts as to taking any part of bond money to fund a deficit. I have heard so many times in the legislature, anytime we have been discussing bills, very recently in the case of the retirement for teachers, that this could set a dangerous precedent. Well, in the case of the teachers, it was only about a half dozen and they were 70 or 80 years old, so there won't be much precedent there. Also, in the veto message that came back from the Governor in regard to National Guard plates, he mentions the dangerous precedent and I quote: "My concern is that the bill is discriminatory and it might set a dangerous precedent for legislators and Governors to follow." There, again, he uses the words 'dangerous precedent' and this is what I feel we are doing here today.

I feel that even if the issue is not a legal one, and it well could be, that it is certainly a moral one. I think my real and most serious reservation about not voting in favor of this bill is the treatment of one town in the State of Maine, namely the town of Wiscasset. I strongly feel that all communities should be treated equally and treated alike. The mere fact that one company is paying the bulk of the taxes in a community should not enter into the picture at all. That town should be treated the same as all other towns.

I can also see where this will possibly be used in the future by those that oppose nuclear power generating facilities in the State of Maine in their arguments in the communities where these plants are proposed. I ask you people today, what is any better argument for anyone opposed to nuclear power than to go into a community where this question is being considered and say what good will it do you to have this in your community because it is not going to help you people too much because the State is going to rob this money from you. Maybe this was considered when the treatment of Wiscasset was taken into consideration. Maybe, already, there are those in opposition of nuclear power that would love to see this section stay in the bill so it can be used.

I do strongly feel that this is actually a deterrent to any community that would go

out and seek new industry to broaden their tax base because, there again, what good does it do to that community to bring additional taxes into their town or into that community if only to be robbed by the State of Maine? I think when you try to increase your tax base, you try to retain that money. I think when the communities do this, they do it with the expectations that in all future legislation passed in this state, that each community will treat it fairly and squarely. I don't think this has been done in this case. I think if there is any case of discrimination that I have ever seen in the six years that I have been here, and I am starting my seventh, then this is the case today.

I can only ask myself, as I stand here, the question that was asked the other day by one of the Representatives, what town next? I ask myself, what town or what city will be next? If we can do it with one town, we can do it with others; the precedent has been set.

There is one feature in the bill that I do buy and that is the limitation on spending. I think this is something that is due and it should be there but with these reservations that I have, I could not vote for the passage of this bill and I want the record to show this.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I spoke the other day and, as you know, I don't favor this. I would just make a couple of final comments before I guess we will vote for this bill.

We hear an awful lot of talk from legislators that the Judiciary is not following legislative intent as they do their job. The court declared our taxing scheme unconstitutional — and it was a scheme — and they were just plain right. I wonder if we are following judicial intent as we override that opinion today. I wonder if what we are doing today by our rebate program, our unconscionable rebate program in the case of Wiscasset, if we are not violating the very spirit of the Constitution. To me, this bill is just downright unethical. In fact, for this body to pass it is, I think, shameful. Regardless of your parochial interests, whether your town gets money or doesn't get money, the bill is just plain wrong.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I plan to vote for this piece of legislation today and I don't want to be a stumbling block here to hold it up any longer. However, having come into the legislature in the 105th and the 106th, I saw the formation of L. D. 1994 and I voted against it in its entirety in its original package when it came into this House.

I formerly represented the town of Mt. Desert, which went with Bar Harbor, Tremont and Southwest Harbor, and through effort and diligence and hard work over the years, formed a lovely regional high school on Mt. Desert Island. Today, one of those communities, which encompasses the three small villages of Seal Harbor, Somesville and Northeast Harbor, which go to make up the town of Mt. Desert, is being overlooked in this bill.

The gentleman from Nobleboro made a tremendous effort on behalf of the power company in Wiscasset and I agree with that amendment tremendously. However, in light of all this, with this one community

down there on the coast, due to the fact that it has high evaluated property, brought on by over the years we have had many summer people there and it is a delightful place to come and play and it is a delightful place to live and we enjoy it very much. However, I would be remiss in my duties, if I did not bring forth today and have written in the record that this town is still contributing to the tune of \$263,000 minus about \$16,000 in pay-back funds.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I agree and concur completely with the comments that have been made by the previous three speakers. I long recognized during the development of 1994 that some of the situations that have developed would occur. I had an experience last summer of a person coming to me from a town some distance from where I live and saying that we had a large industry considering moving into town and what would be the result? In looking over the situation, I recognized that they were in the process of paying for a new schoolhouse, so they probably would not have any pay-back features but eventually, this could happen.

I think there are many factors that probably, in 1994 and the whole educational funding act, could be a deterrent to a large industry moving into the state. Assuming that a situation should develop like it did and was kicked around in the papers a little bit last summer, that Volkswagen was considering building a \$200 million plant somewhere in the United States and Maine was one of the areas and if they moved into a small town in Maine, they would be faced with picking up a major share of the tax load of that community, plus also making some contributions to the state which would result in a situation whereby it would not be economically practical for them to move into the state.

I think there are some real serious problems with the whole funding program of L. D. 1994 that should be considered. I would hope that in making these remarks that when the bill is later on studied and some work is done this summer, that many of the comments made this morning will be given serious consideration.

I also agree completely with the remarks of the gentleman from Sabattus, Mr. Cooney, that, well, it almost seems to me that we are flaunting the Supreme Court in our efforts, but with all of these thoughts and realizing the tremendous problems of trying to get budgets on the way, I will vote for this bill, this morning, but I will do it very reluctantly.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think I have given my ideas on this situation on several occasions. Just to be certain, I have discussed with the Speaker, and he is going to discuss this with the leadership of both parties before the Order is presented. I am preparing an Order which would set up an interim commission on the Education Committee and what have you to put some law on the books, directing them to come out with a bill so that we would have the proper guidelines so that the towns and cities would very definitely, on the statutes, be on notice as to what damage may not be done.

I shall support this measure.

The SPEAKER: The Chair recognizes

the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: As I vote for this measure, I, as I imagine many people do, in doing it, recognize the fact that it is not in any way a long-term solution to our school funding program. I don't think anyone has pretended that it is. This is a solution to what is now a crisis situation and I think that all of us are going to have to put in many hours, whether it is in one of the commissions appointed by the Governor or by the legislature itself, but there are going to be many of us who are going to be concerned with this problem, who are going to have to put in many hours over the summer and in the fall and then when we come back in January try to deal with this problem.

I only extend an invitation to those who rise at the eleventh hour who oppose this program to come and work with us, those of us who have been working for the past four months and the past year on some solutions to this problem.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the previous speakers in their mention of a study being made and I rise also to support the remarks of the gentleman from Bar Harbor in that I too represent these towns which are grievously affected by this \$260,000 tax outlay over and above their maintenance efforts to keep their schools going.

I will support this bill this morning because I feel it is an emergency situation but I will also look forward to the time when a study can be made to do something with this law which hands free spending in the name of 1994.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: This whole issue has been a trying one for me from my first vote against L. D. 1994 in the 106th Legislature. I agree wholeheartedly with the gentleman from Sabattus, Mr. Cooney. I think we are attempting to make an end run around what is right by making this bill all things to all people, with the exclusion of a single town. However, I am in the unfortunate position of having to support this bill because of the action of a majority of my constituents who have opted to build a new high school in my district.

I believe this issue will be back to trouble us again in the future, and this time, I will be a party to it because of my vote here today.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to any member who would like to try to clarify this for me. It is reference to Section 101-A, and this is on the fiscal year bit. I will tell you what brought this about. Last week, I had occasion to meet the treasurer of the city of Portland, and he posed the question to me. What do you think of that school funding bill? What is it going to do to you? What are you paying for taxes now? I said about \$3,500 I turned in this year in real estate taxes. He said, well, next year, under this bill, you will be paying \$5,000. He said, you will be paying on an 18-month year.

Now, I understand there is a lot of magical ways that this probably can be moved around, but eventually we have got to get caught up to that 18 months.

The gentleman, Mr. Lynch from Livermore Falls, explained that the superintendent of schools in Portland, in speaking before the Education Committee, said that it would be no problem to Portland. Well, apparently it will be a problem to the treasurer in Portland.

I thought that I could let this thing pass by today, but while watching the news on Channel 6 last night, a very respected newsman, Fred Nutter from Channel 6; asked his correspondent here in Augusta, Gene, what is the story on this? What is it going to do to my taxes? I would like somebody here to give that answer to Fred Nutter and I would like it myself.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I took up perhaps too much of your time the other evening on amendment, but I do want to say just a word or two before I vote against final passage of this measure, give you my reason.

I appreciate the remarks of the gentlelady from Owls Head, Mrs. Post, in asking for us to work together to find a solution to this measure. I just wanted the record to show that I have worked now for one year to try to find a solution to this measure, very diligently as a member of this House and as a member of the Educational Subsidy Commission, and I had hoped that on this day, or before now, we would have a measure before us which would be beneficial, which would correct inequities and would do something to perhaps finalize this thing so we would not have it coming back to us year after year. I fail to see where we have done that. I think today we are going to pass a patched up piece of "work" which is a mess, and I would like to call it also a million and a half dollar rip-off. It is to me a situation in which we have not only faced up to the whole total problem of 1994, which is basically depending too much on the property tax as a measure of a man's wealth. We have failed to face up to the real funding problems of the bill and, in addition to that, we have, of course, put through a formula which deals with everybody just alike except one. I cannot now and never can buy any such bill, and I am forced today to vote against its passage.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This all puts me in mind of some great creature that wanders into a tar pit and the more it struggles the deeper it sinks and the more sticky the town becomes and the further in it goes.

I think this is a faulty solution. We have our backs to the wall. We are told we have to do this, because our backs to the wall we have postponed the budget dates twice, so we are faced with a faulty solution that we are told we have to accept.

I think Mr. Palmer has pointed up one great flaw with it, and I think Mr. Leonard has pointed up the other flaw with it, and I hope that we will set up a study commission and maybe can solve these problems, but even with this in mind, I cannot vote for it.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Now that many of the members of the House have made their brownie points, I hope we can get down and take care of this bill today.

In answer to the questions raised by the gentleman from Portland, I think they were quite adequately answered yesterday by the gentleman from Waterville, Mr. Carey.

I, as a member of the Education Committee, kind of resent the implication that in arriving at the amendment to 1452 that we have arrived at, that we are disregarding the Supreme Court opinion. My feeling is that we have gone in the direction that the Supreme Court indicated we should go. I don't think it is underhanded. I think we took the Supreme Court's opinion and said, where do we go, and they pointed the direction and we went in that direction.

Now that many of you have voiced your objections to the bill, I hope you recognize that we need 101 votes. If you are not in favor of the bill and it is defeated, then I assume that you will get together and one of you will postpone the statutory deadlines, because I have done it twice and I will not do it again.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to speak for the silent majority. For about a year now, we have been getting headlines from the very articulate opponents of this piece of legislation. I would just like to remind us where we started from.

This bill, with all faults and with all the cracks that have been papered over, benefitted 90 percent of the people in this state. When you listen to the rip-off descriptions and so forth, I would like to have you realize that what has brought this about is the fact that the educational effort has been raised to 14 mills, and when this bill was in its formative stages, we were looking at the communities to raise 20 mills, 30 mills, 40 mills for education, and I think if you can keep this in mind, you will see one of the basic points that was behind this legislation was that we had this unbelievable disparity that could not be changed. Repeated efforts had failed to change this subsidy formula, and this has brought it about. But the outcry is because the communities have been raised to 14 mills, in spite of the fact that prior to this we had communities raising three times that and still not coming up to the state average for the expenses for their children's education.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I believe that perhaps I have been one of the most severe critics of 1994 and of this bill, 1452, but I believe also that at this point there is an overriding need for passage of this bill. There is an overriding need by our schools and by our communities to have a decision made by us at this time. We can no longer put it off. Therefore, I think we should all do the responsible thing in this case and pass 1452, recognizing that it is far from an ideal document; in fact, I think all the criticism that has been levied towards this document I think is justified, but we do

have this overriding consideration, and a decision is necessary, it is necessary right now. There is no alternative in sight at the moment.

I think those of us who have been combating 1994 should accept the fact that there is a commission to be established and we should place our faith in this commission coming up with a good, workable, sensible solution for the following year.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of points, and they are not brownie points, I don't believe.

I am going to vote for passage of this act because I think at this point it would be irresponsible not to, not for this body's sake, but for the people in the towns and communities are entitled to something, even if it is lame, and I am of the opinion that this is lame. We are about to do today what every thinking person knew last November, or last January, that we were going to do, but as far as making points with constituents though, I don't believe my constituency and I hope not yours sent you here to seek advantage of anybody. If my constituents sent me here to seek and advantage for them, they have misunderstood me, or even worse, I have misunderstood them.

I think it is unfortunate not to recognize that people's objections to substantial inequities are reasonable.

The SPEAKER: A roll call has been ordered. 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.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Curran, P.; Curran, R.; Curtis, DeVane, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, McIn, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Blodgett, Carey, Cooney, Dam, Davies, Doak, Hughes, Jackson, Lizotte, Palmer, Smith, Spencer, Talbot, Tierney, Truman, Wagner.

ABSENT — Bennett, Carroll, Faucher, Hobbins, Lunt, Pierce, Strout.

Yes, 127; No, 16; Absent, 7.

The SPEAKER: One hundred and

twenty-seven having voted in the affirmative and sixteen in the negative, with seven being absent, the motion does prevail.

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

By unanimous consent, ordered sent forthwith.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Increase the Property Tax Exemption for Property Used by a Religious Society as a Parsonage" (H. P. 894) (L. D. 1083)

Report was signed by the following members:

- Mr. MERRILL of Cumberland — of the Senate.
- Messrs. MORTON of Farmington
- SUSI of Pittsfield
- TWITCHELL of Norway
- FINEMORE of Bridgewater
- COX of Brewer
- IMMONEN of West Paris — of the House.

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

Report was signed by the following members:

- Messrs. WYMAN of Washington
- JACKSON of Cumberland — of the Senate.
- Messrs. MAXWELL of Jay
- DRIGOTAS of Auburn
- MULKERN of Portland
- DAM of Skowhegan — of the House.

Reports were read.

Mr. Drigotas of Auburn moved that the House accept the Minority "Ought to Pass" Report.

Mr. Davies of Orono requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Drigotas, 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. Susi of Pittsfield 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 Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I have the feeling that many of you weren't acquainted with this bill and what it does. It is a very simple bill; it would increase the exemption for parsonages from the present amount of \$20,000 to \$35,000. It has no effect on the state finances. If you approve the bill, then the first \$35,000 in value of a parsonage would be property tax exempt in a town. The effect of that within the town would be to shift this burden onto the other taxpayers in the town. If you vote against the "ought to pass" report, then you would be supporting the present \$20,000 property tax exemption for parsonages.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: After the trimming I got yesterday, I said I wouldn't rise today, but I will try it once more.

In this hearing, we had one minister from down around the coast, Portland or somewhere — many here know him anyway, they told me that afterwards, and he made a great plea for this, to cut the churches down.

As you know, you are giving the churches a lot of services. We give them fire protection; we give them snow removal, even for the parking lots and the church grounds, and this minister told us he was giving us a real good time telling us how hard up the churches were and so on and so forth, and there are members here who go to his church. I asked him the question after it was over what his salary was, he said in front of the whole of us; his salary was \$18,000 a year, plus his house rent, plus his utilities and I asked him, I said "the church is hard up?" He said, "it wasn't having too good a time," or something to that effect.

We had another minister present who said he traveled all over who didn't even make enough to pay an income tax and he had seven, eight or ten churches. I made the remark to him, very casual-like, maybe the income tax should check his salary, because if he wasn't paying an income tax he must be getting a mighty small one. I know and it's hard for me to stand up here, we have three churches in my town and it's very hard for me to stand up here and say that \$20,000 isn't enough exemption for the tax property, it should be raised to thirty-five. Well, I cannot agree with this. I help support the churches, I help two of them in my town, at least, and probably I should be helping on the third one, but at the same time I think we are putting too much tax-exempt property in our towns.

I know Portland down there has millions of dollars worth of tax-exempt properties and they are giving them all the services of the city and I think that's very unfair to the taxpayers. As I say, I am taking a lot of chance standing up here telling this but at this time, I believe we should vote against the motion "Ought to Pass" and go along with the "ought not to pass" report, the majority "ought not to pass" report, for the simple reason the towns cannot stand this tax loss base and if every time we do this — now we just got done debating a bill here, 1452, the Education Bill, we just got done and it takes a lot of money, and it takes a lot of money on a tax base. It takes 13 1/4 mills at a hundred percent valuation. You take a little town that is carrying 10 percent of the state valuation rather than 100 percent or 90 percent or 75 percent, it's quite an increase in their taxes, because you only have a 10 percent valuation. I hope this morning you will go along and defeat this "ought to pass" report and accept the "ought not to pass" report and give the town \$15,000 in most cases more. In my town, there are three churches and if they were, they aren't of course worth the \$35,000 but if they were, this would mean \$45,000 tax base to that town or city.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me — I am speaking not in regard to my own case because I belong to the Methodist Church in Winthrop and we sold our parsonage because our minister prefers to own his own home so he can build up a

little equity so that when he retires he will have a place to live. So it doesn't affect our church directly, but it seems to me that we should either accept the "ought to pass" report on this thing and go along with simply increasing the total exemption in accordance with increased valuations. Most towns are not taxing their church parsonage anyway, even though it may be actually worth more than that, so it wouldn't affect very many towns. Many parsonages are not worth over \$20,000 anyway, so it wouldn't affect too many towns.

I think we should accept the fact that inflation has raised the valuation, or we should do away with exemptions entirely. Now if that question comes up, I am inclined to think probably I would vote to do away with all exemptions, but as long as we have exemptions and as long as that \$20,000 has been out for some time and the valuation has gone way above that in a few cases, I think we ought to accept the "ought to pass" report.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you all to vote for the "ought to pass" report and this may seem kind of strange to some of you coming from me, being one that does not want to erode the tax base, but I feel that in the case of churches or parsonages that these should be tax exempt. Personally, I don't think we should even be talking about a figure when it comes to a parsonage at all, because I think the better parsonages we can have in our communities and the better churches we can have, the better effect it will have on the people.

I am not a church-goer, but I would hate to travel across this state and see churches closed up because some of those churches couldn't afford to pay their taxes on the parsonages. I would certainly hate to travel across this state and see the ministers living in dilapidated and rundown buildings.

Now, we have changed the tax structure in the state and to raise this to \$35,000 is not doing much, is not changing too much in most of the communities. It will in some, and I go along with what the good gentleman, Mr. Bagley, previously said, that maybe we should look over the whole tax situation later on and take away some of these exemptions that we have been so free with, but in the meantime, let's not start with just the churches. If we're going to do it, let's do it as a package and in the meantime, let's let our ministers or the priests, or whatever you want to call them, live in the state of Maine and live in decent housing that the people who are going to that church can afford for them to have without putting this additional burden of an increased tax on them. They need this tax exemption increase, they should have it and maybe the next session when we come back we can look at the whole tax structure. So I urge you to vote for the "ought to pass" report.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I hope you'll support the "ought not to pass" report. I know it has been said this morning that maybe it wouldn't affect many towns. I know in the city of Portland it will mean \$40,000 in property tax loss.

The gentleman that Mr. Finemore referred to who testified before the hearing

and who asked the Representative from Portland to sponsor this bill happens to be a neighbor of mine. He lives right across the street. He has a beautiful home. They have just put in a modern, expensive kitchen and made many other expensive improvements to his house. He has children in the public schools, as a matter of fact, he has a daughter at Mt. Holyoke.

I know another minister in my neighborhood who has just spent six weeks in England a year ago, many of these things that many of us can't afford to do and many of the neighbors who live around them cannot afford. His neighbor happens to be a widow; another neighbor of his is a school teacher, who are paying four times as much as he is with his \$20,000 property tax exemption. I think this is very unfair, it is passing the burden on to other people. Most of them can well afford to pay the small tax they are required to pay, and I hope you will vote to support the "ought not to pass" motion.

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

Mrs. MARTIN: Mr. Speaker and Members of the House: In my instance, I am supposed to be a good Catholic, but I am going to tell you right now that my parish is building a \$300,000 complex and, believe me, if they can build that, they can pay taxes.

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

Mr. QUINN: Mr. Speaker and Members of the House: The gentlewoman from Brunswick just said in one sentence what I proposed to take about four minutes to say. My subject again, Mr. Speaker and members of the House, is just valuation. I have been on the topic for a week or so off and on. The parsonages are presently exempted \$20,000 of assessed valuation. If your town has a ratio of less than 100 percent on their valuation, then the real effect of the exemption is to raise the amount on the religious property just like on any other property, and while the debate didn't last long enough for me to give total percentages, I can give you some quick ideas: In Androscoggin, there are 14 towns, only four of whom are at 100 percent. In Aroostook, there is a total of fifty-some towns with only six; in Cumberland there are 25 towns with only six; in Franklin 21 towns with only six; in Hancock County, 36 towns with only five; Kennebec, 29 towns with only six. The point that I am making is, most of these exemptions are already considerably in excess of \$20,000. Again, using my illustration of Sebago, since that is immediately adjacent to my town and in my county, the parsonage would have to be worth more than \$200,000 in order for it to pay taxes, and I would submit that if we have any preachers living in \$200,000 homes, they can afford to pay taxes. I would urge you to kill any raise for tax exemptions for religious residences.

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

Mr. AULT: Mr. Speaker, if the gentleman from Saco, Mr. Hobbins were here he would be voting No and I would be voting Yes, so I would like to pair with Mr. Hobbins.

The SPEAKER: The gentleman from Wayne, Mr. Ault wishes to pair with the gentleman from Saco, Mr. Hobbins. If the gentleman from Saco, Mr. Hobbins, were here, he would be voting No, and the gentleman from Wayne, Mr. Ault, would be voting Yes.

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

ROLL CALL

YEA — Albert, Bagley, Berry, G. W.; Berube, Carter, Conners, Curtis, Dam, DeVane, Dow, Drigotas, Durgin, Farley, Flanagan, Hall, Hughes, Jacques, Jalbert, Joyce, Kany, Kelleher, Kelley, LaPointe, Laverty, Mahany, Maxwell, Mills, Mulhern, Peterson, T.; Post, Silverman, Winship.

NAY — Bachrach, Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, Doak, Dudley, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hunter, Hutchings, Immonen, Ingegnieri, Jackson, Jensen, Kauffman, Kennedy, Laffin, LeBlanc, Lewin, Lewis, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Martin, A.; Martin, R.; McBreairey, McKernan, McMahon, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Willfong.

ABSENT — Bennett, Carroll, Faucher, Gauthier, Hinds, Leonard, Littlefield, Lunt, Palmer, Strout, Tierney.

PAIRED — Ault, Hobbins.

Yes, 32; No, 104; Absent, 12; Paired, 2.

The SPEAKER: Thirty-two having voted in the affirmative and one hundred and four in the negative, with twelve being absent and 2 having paired, the motion does not prevail.

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

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

Mr. FINEMORE: Mr. Speaker, I now move we reconsider our action and hope you all vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House reconsider its action whereby the Majority "Ought not to pass" Report was accepted. All in favor of reconsideration will say yes; those opposed will say no.

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

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Relating to the General Penalty Provision in the Motor Vehicle Statutes" (H.P. 945) (L. D. 1184)

Report was signed by the following members:

Messrs. McNALLY of Hancock
GREELEY of Waldo
CYR of Aroostook

— of the Senate.

Mrs. BERRY of Madison
Messrs. KAUFFMAN of Kittery
FRASER of Mexico
STROUT of Corinth

WINSHIP of Milo
JACQUES of Lewiston
LUNT of Presque Isle
ALBERT of Limestone
WEBBER of Belfast

— of the House.

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

Report was signed by the following member:

Mr. JENSEN of Portland

— of the House

Reports were read.

On motion of Mr. Fraser of Mexico, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Relating to the Income Limitation of the Elderly Householders Tax and Rent Refund Act" (H. P. 418) (L. D. 504)

Report was signed by the following members:

Mr. MERRILL of Cumberland

— of the Senate.

Messrs. IMMONEN of West Paris
MAXWELL of Jay
SUSI of Pittsfield
FINEMORE of Bridgewater
MORTON of Farmington
TWITCHELL of Norway

— of the House.

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

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland

— of the Senate.

Messrs. COX of Brewer
DRIGOTAS of Auburn
MULKERN of Portland
DAM of Skowhegan

— of the House.

Reports were read.

On motion of Mr. Drigotas of Auburn, tabled pending acceptance of either Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-343) on Bill "An Act Amending the Elderly Householders Tax and Rent Refund Act to Expand Eligibility to Recipients of Supplemental Security Income" (H. P. 104) (L. D. 101)

Report was signed by the following members:

Mr. MERRILL of Cumberland

— of the Senate.

Messrs. MORTON of Farmington
DRIGOTAS of Auburn
COX of Brewer
DAM of Skowhegan
MAXWELL of Jay
SUSI of Pittsfield
MULKERN of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act Amending the Elderly Householders Tax and Rent Refund to Expand Eligibility to Recipients of Supplemental Security Income and Funding the Cost of this Wider Eligibility Through an Increase in the State Personal Income Tax Rates" (H. P. 1585) (L. D. 1882)

Report was signed by the following members:

Messrs. JACKSON of Cumberland
WYMAN of Washington
— of the Senate.
Messrs. TWITCHELL of Norway
FINEMORE of Bridgewater
IMMONEN of West Paris
— of the House.

Reports were read.

Mr. Drigotas of Auburn moved the House accept the Majority "Ought to pass" Report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I think this is quite an important bill and I think that the proposed financing under one of the reports is an important matter for us to consider here this morning.

I, along with every other member of the Taxation Committee, we are all supporters of the bill and I for one would support an increase in the income tax if there were need demonstrated of a major proportion, but I am not for this second report, the minority report, which would provide an income tax restricted solely to the funding of this particular bill and further provides for public referendum on this income tax which would produce about a million nine a year.

I hope that you can follow the development on this. If you went along with the minority report and proposed income tax for funding this particular bill, this income tax would go to referendum, presumably next November. Now, if it went to referendum, either one of two things would happen; either it would be passed or else the public would reject it.

Now if they should pass the income tax, then this fact would effectively preclude the possibility of any further consideration on the part of this legislature of a tax increase during the 107th. If the public in referendum rejects the income tax proposal, then I am sure then that, too, would make certain that this 107th wouldn't have available to it the possibility of an income tax increase because it certainly would be a prevailing argument that the public just having rejected an income tax, we certainly couldn't be considering it again so soon.

So, in my opinion, if you were to vote in support of the minority report, it would be a vote to eliminate the income tax as a potential means of financing any of the needs which generate in state government during the 107th. Now, we may very well decide against using the income tax; this is certainly a strong possibility, but I believe that it's good judgment for us to keep this option open to us and we close this option should we adopt the minority report.

This is an extremely important bill, in my opinion. There are some 12,000 people who are affected by it, and I am sure that others will speak to the needs of the bill, of which I am certainly thoroughly convinced, and I hope we will pass the bill and that it will go to the Appropriations Table and that we will then fund it along with whatever we decide are our other urgent needs which have come before this session of the legislature, and I urge your support of the motion before you.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I am the cosponsor of this bill, and I believe what the gentleman from Pittsfield, Mr. Susi has said is correct. I

want to see the bill passed, whichever one the House wants, I will favor it. At this time, I am not going to take sides. I think probably our best bet is where it starts August 1 and closes October 15. In order for this to be used this year for the SSI recipients, we would have to pass this now as an emergency. If we used the other method, why we would have to wait, even if it did pass in referendum, we would have to wait until 1976 before it would help the recipients out.

I think the young lady, who evidently I shut out, which I am very sorry, is going to speak on this, and she is very well qualified, and which ever way she would like to have it go, I will support it.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad the gentleman from Bridgewater, Mr. Finemore, has finally seen the light, because I just said a few minutes ago that I am never going to let him cosponsor another one of my bills, but you are back in the fold, so if I have a goodie next year, I will come to you again.

I would like to explain to you the reason for this bill. For those of you who have not been around the legislature before, when we first enacted the property tax and rent refund act, we were on the old program called aid to the aged, and the federal government told us that we could not give property tax relief to recipients of aid to the aged, or else they would reduce their benefit under aid to the aged by the same amount. So what we did in that case, about four years ago, was to take some of the money out of the tax and rent refund act, transfer it to aid to the aged and raise the benefit level for aid to the aged, blind and disabled a little bit.

Then, finally, in 1974, when the federal government took this program over and it became Supplemental Security Income, the federal government then reversed its stand and determined that property tax refunds were not income and would not affect the level of benefit.

In the 106th Legislature, Governor Curtis included this particular piece of legislation in his Part I budget, but the legislature defeated it. The Appropriations Committee took it out of the Part I budget — I wish I had gotten on the Appropriations Committee one term sooner; however, I am there this time and hopefully things will change.

I do not want to see this go out to referendum. I don't think we should be passing the buck. I don't believe in dedicated revenue, and we know what happened to one piece of legislation which had what some people thought as dedicated revenue this last time around. So I would be a little leary of anything like this. If it comes time for an income tax, I will support an income tax, but I will support it for all services, not just for services for the elderly.

There are about probably 9,000 people who would be eligible if we do pass this. I would hope that it can go to the Appropriations Table and there it will take its chances with the rest of the legislation on the table.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-343) was read by the Clerk and adopted 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 Deferral Charges under the Maine Consumer Credit Code" — Committee on Business Legislation reporting "Ought to Pass"

On the request of Mrs. Clark of Freeport, was removed from the Consent Calendar.

(On motion of Mrs. Clark of Freeport, tabled pending acceptance of the Committee Report and specially assigned for Friday, May 16.)

Bill "An Act to Permit Housing Authority Commissioners to Serve Concurrently as Commissioners of a Renewal Authority in Certain Places" — Committee on State Government reporting "Ought to Pass" (S. P. 317) (L. D. 1094)

Bill "An Act Relating to Closing Costs under the Maine Consumer Credit Code" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-136) (S. P. 218) (L. D. 717)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 15, under listing of Second Day.

Bill "An Act Creating the Post-secondary Education Commission of Maine" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-134) (S. P. 344) (L. D. 1160)

On the request of Mr. Davies of Orono, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (S-134) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act to Authorize the County of Hancock to Collect and Dispose of Solid Waste on a Regional Basis" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-139) (S. P. 128) (L. D. 414)

Bill "An Act to Authorize Knox County to Raise \$700,000 for Construction of a County Jail and a District Court Facility" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-137) (S. P. 285) (L. D. 995)

Bill "An Act Repealing the York Harbor Village Corporation" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-138) (S. P. 468) (L. D. 1563)

Bill "An Act Concerning Publication and Public Inspection of Executive Orders" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-135) (S. P. 449) (L. D. 1508)

Bill "An Act Appropriating Funds to the Department of Mental Health and Corrections for Fire Prevention and Structural Safety Improvements at the Military and Naval Children's Home at Bath" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-340) (H. P. 1357) (L. D. 1659)

Bill "An Act Relating to Property Insurance under the Maine Consumer Credit Code" — Committee on Business

Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-341) (H. P. 1201) (L. D. 1496)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 15 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 to Insure the Conservation of Endangered Species in the State of Maine" (H. P. 1204) (L. D. 1767)

Bill "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1976 and June 30, 1977" (Emergency) (C. "A" H-313) (H. P. 706) (L. D. 885)

Bill "An Act to Improve the Enforcement of the Federal Flammable Fabrics Act" (C. "A" H-318) (H. P. 1293) (L. D. 1600)

Bill "An Act Relating to the Revised Enforcement of Foreign Judgments Act" (C. "A" H-321) (H. P. 1161) (L. D. 1460)

Bill "An Act to Establish County Commissioner Districts in Lincoln County" (C. "A" H-310) (H. P. 997) (L. D. 1260)

Bill "An Act to Incorporate the Town of Rockwood" (C. "A" H-309) (H. P. 966) (L. D. 1218)

No objection having been noted at the end of the Second Legislative day, were passed to be engrossed and sent to the Senate.

Bill "An Act Converting Allagash Plantation into the Town of Allagash" (C. "A" H-308) (H. P. 1276) (L. D. 1647)

On the request of Mr. Rolde of York, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and tomorrow assigned.)

Bill "An Act Relating to Retention of Certain Charges by the Register of Probate of Aroostook County" (C. "A" H-312) (H. P. 1056) (L. D. 1340)

Bill "An Act to Require a Second Election on Any Adoption, Revision or Amendment of a Municipal Charter Invalidated Because of Procedural Error" (C. "A" H-311) (H. P. 116) (L. D. 152)

Bill "An Act Establishing a Fee for Approved Blanks and Forms Furnished by Registers of Probate" (C. "A" H-306) (H. P. 785) (L. D. 956)

No objections having been noted at the end of the Second Legislative Day, were passed to be engrossed and sent to the Senate.

Bill "An Act to Increase Costs and Fees Taxed and Allowed in the District Court" (C. "A" H-319) (H. P. 852) (L. D. 1041)

On the request of Mr. Hewes of Cape Elizabeth, was removed from the Consent Calendar.

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

Mr. HEWES: Mr. Speaker and Members of the House: I move acceptance of the unanimous "ought to pass" report. I know that the gentleman from Durham, Mr. Tierney, has circulated a House Amendment, H-344, and I assume he wants to offer that tomorrow at second reader. I would appreciate the unanimous "ought to pass" report being accepted.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-319) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act to Facilitate the Entrance of Municipalities into the Federal Flood Insurance Program" (C. "A" H-330) (H. P. 675) (L. D. 850)

Bill "An Act to Include Village Corporations under the Provisions for Home Rule" (C. "A" H-329) (H. P. 974) (L. D. 1314)

Bill "An Act Creating Franklin County Commissioner Districts" (C. "A" H-328) (H. P. 1002) (L. D. 1281)

Bill "An Act to Provide for the Transcription of Testimony Taken in the Investigation of Consumer Complaints in Order to Protect Constitutional Rights" (C. "A" S-132) (S. P. 339) (L. D. 1127)

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 Relating to License Requirements and Fees for Trapping" (H. P. 440) (L. D. 547)

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

Second Reader

Tabled and Assigned

Bill "An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules" (H. P. 1379) (L. D. 1775)

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

(On motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed and tomorrow assigned.)

Second Reader

Tabled and Assigned

Bill "An Act to Increase Certain Weight Limits for Class 2 and Class 3 Motor Vehicle Licenses" (H. P. 1369) (L. D. 1650)

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

(On motion of Mr. Greenlaw of Stonington, tabled pending passage to be engrossed and tomorrow assigned.)

Amended Bills

Bill "An Act to Establish 2-year Terms for County Commissioners" (H. P. 937) (L. D. 1179) (C. "A" H-314)

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

Bill "An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands" (H. P. 965) (L. D. 1209) (C. "A" H-326)

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

Mr. Cooney of Sabattus offered House

Amendment "A" and moved its adoption.

House Amendment "A" (H-347) was read by the Clerk.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just explain what I am doing here by attaching this amendment to the bill.

Yesterday, I explained to you what the difference was between the two reports, Report B, signed by the three Senators who favor no fine for stealing an island. My thought is that the six months, up to six months in jail and up to \$1,000 for knowingly, wilfully stealing an island is a very modest penalty, but I suspect that we will move toward a conference committee situation, and I want to make sure that the House is in as good a position as possible. So the amendment I am offering, which I think is a very good one, raises the penalties from six months up to one year and from \$1,000 fine up to \$5,000. So I think that should we ever get into a non-concurrent situation and have to have a committee of conference, this will be an excellent position to have to work from. So I move passage of the amendment.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, and I realize the good intentions the gentleman from Sabattus has; however, I feel that it is not a genuine move and that a fine of \$5,000 or up to one year in jail is really out of line for the sort of violation that this would be, and I hope you will oppose passage of this amendment.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I am interested in how do you steal an island. I understood that the island was the property of the State of Maine. I believe that I heard that the state lost interest in them, but if the state did not deed them to anyone, how can they be stolen? Aren't they the property of the state?

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I have here an explanation on the fraudulent claims to islands and the justification for the penalty that is now in the bill. This is essential for the efficient operation of the Coastal Island Registry, and without such a penalty, there is nothing to prevent individuals from claiming an island in which they have no legal interest. It may take the Coastal Island Registry years to uncover false registrations, and it will require additional time and work on the part of the state to do the title search necessary to determine the fraudulency of the claims. There may well never be a single conviction under this section, but its presence in the law will serve to deter false claims and to protect private as well as public owners against whom such claims may now be made with impunity. The fraudulent registration section will not hurt those who believe they own an island and file a registration in good faith but are mistaken in their beliefs.

Let me read the words of the section: Any person who knowingly registers a coastal island, not being the true owner of such island, with the intent of fraudulently obtaining an interest in such island or with

the purpose of deceiving the state as to ownership of such island, or to otherwise deceive, deprive, obtain or misrepresent ownership of such island shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than six months.

This does not apply to island claimants who make an error in good faith. We have the same penalty in the statutes for the comparable misdemeanor of executing fraudulent conveyances on assignments. It is possible that a false island registration could be used in the future as evidence of ownership against the legitimate owner. The fraudulent registration section of the Coastal Island Registry Law will afford to island owners the same protection as all property owners are afforded under the present fraudulent conveyance statute.

I do have in my office some correspondence from a fellow from New Jersey who has knowingly tried to claim ownership to an island, even though he has not had any legal documents or any papers to back up his claim. He still insists that it is his island, and it is the second largest island in the bay. So it does happen and we do need this.

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

Mrs. POST: Mr. Speaker and Members of the House: I think that maybe since we have had some discussion on stealing islands that perhaps people might be laboring under the impression that we are talking about islands of a hundred or 200 acres. What has actually happened with this legislation and what the department has done with it after it has passed, is that in many cases the department heads classified as islands rocks or ledges which are under water 10 or 20 feet even at low tide. There has been a great deal of disagreement between property owners along the coast and the department as to exactly what does consist of an island.

So what may happen is, even though an island owner has a deed for a particular island and assumed that the ledges, and there may be a few rocks sticking out a couple of feet off shore, what the department is saying now is that that is a different island and of course that wouldn't necessarily have been included in any particular deed.

The issue is a very confusing one. And while I think there needs to be a proper punishment on here to truly give a department some strength when cases of fraud do indeed occur. I think that the amendment proposed by Mr. Cooney is excessive, and I ask you to vote against it.

The SPEAKER: The pending question is on the adoption of House Amendment "A". All in favor of adopting House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, on motion of Mrs. Post of Owls Head, tabled pending passage to be engrossed and specially assigned for Friday, May 16.

Passed to Be Enacted

An Act Relating to the Osteopathic Student Loan Fund (S. P. 342) (L. D. 1144)

An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers (H. P. 480) (L. D. 599)

An Act to Amend the Site Location of

Development Statute (H. P. 619) (L. D. 765)

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 Innkeepers, Victualers and Lodging Houses (H. P. 1115) (L. D. 1406)

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

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

Mr. SPENCER: Mr. Speaker and Members of the House: In looking through the proposed criminal code, I notice that in Section 357, which is in Theft of Services, there is a section which includes the theft through fraud of services of a hotel, motel, tourist cabin, rooming house or like accommodations and there is a provision that says where compensation for services ordinarily paid immediately upon the rendering of such service, as in the case of hotels, restaurants and garages, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception. Theft of services in an amount of less than \$500 is defined as a Class E crime, which has a penalty of not more than six months and a fine of up to \$500, I believe, under the proposed criminal code. I just question the necessity of this act in view of the fact that it is covered in the provisions of the proposed criminal code.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker and Members of the House: It was my understanding that the House accepted Committee Amendment "A". Was that indefinitely Postponed in the Senate?

The SPEAKER: The Chair would advise the gentleman from Stockton Springs that Committee Amendment "A" has been adopted in both bodies and is attached to the bill.

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

Mr. NORRIS: Mr. Speaker, on this matter, this was debated at some length the other day and just for clarification, perhaps the gentleman from Bar Harbor or someone on the committee could explain to us the extent of the fines. I'm really confused at this point and I know we are talking about \$3,000 fine and a year and a day in jail and so forth, and I would hope that someone would clear that up for me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, has posed a question to the gentleman from Bar Harbor who may answer if he so desires.

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

Mr. MacLEOD: I am trying to shed a little light. I guess I am a little confused myself with the remarks of Mr. Spencer. This bill, just for information, had come out of the, in a sort of re-write from the Attorney General's Department and I suppose it was in good form. After the debate the other day in which I had tried to raise the maximum fine to \$3,000 and have it called a felony, I understood that was defeated and we were now in a position with the bill classed as a misdemeanor with a top fine of a \$1,000, I believe. So I can't shed any more light on it, at this particular point, unless some of the legal

fraternity in the House can take it further, and I guess Mr. Spencer still has doubts.

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

An Act to Provide for Reimbursement of Court Appointed Attorneys for Reasonable Disbursements made on Behalf of Their Clients (H. P. 1265) (L. D. 1631)

An Act to Exempt Nonprofit Historical Societies and Museums from Payment of Sales Tax (H. P. 1326) (L. D. 1627)

An Act to Increase the Minimum Wage to \$2.30 an Hour (H. P. 1521) (L. D. 1834)

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

The SPEAKER: The Chair recognizes the gentleman from Kennebec Mr. MacMahon in reference to Item 8.

Mr. MacMAHON: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I do not more than rise to ask you to grant me the courtesy of a roll call vote on this. I am certainly for it, but I find myself in the not unusual position of being recorded on this subject only in one other vote and that was a vote against the \$2.50 minimum wage. Naturally, politics being what it is, I expect someone in the absence of a roll call "for" a \$2.30, I expect someone to pop up right before the next election and say "Mr. MacMahon is against labor" and of course, I am not, so I respectfully request a roll call on this.

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

Mr. TIERNEY: Mr. Speaker, I move we reconsider our action whereby this bill was passed to be engrossed.

Thereupon, on motion of Mr. Tierney of Durham, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

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

House Amendment "A" (H-316) was read by the Clerk.

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

Mr. FINEMORE: One sure thing, I won't debate against the young gentleman who presented this amendment but I was a little worried and I would like to have the Chair answer me this question. In this bill, the Senate, the other Body at the other end of the Hall, I apologize, — they adhered to the former motion and I, for one, would very much like to see the \$2.30 stand and I am wondering if the young gentleman would tell us, and I know he's capable of doing it, if this amendment would have any effect, or if the Chair would answer me, if this amendment would have any effect. They adhered to the former motion, therefore, they won't change.

The SPEAKER: The Chair would advise the gentleman that what the other Body adhered to, was adhering to its original position of accepting. I think it was Committee Report "B" or whatever it was at the time, and as a result of that, what this is, is simply the suspension of the rules to put on an amendment which is proper and would not reflect on either report whether it be A, B, or C, whatever it might be.

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

Mr. HEWES: Mr. Speaker and Members of the House: It would be my understanding that once the Senate has adhered to its position, if we change our position at all from what they have, that the bill will be dead. In effect, the passage of an emergency preamble on an amendment would, in effect, leave the law the way it is.

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

Mr. TIERNEY: Mr. Speaker and although I make a parliamentary statement with some trepidation, especially in the face of the former Speaker of the House, as I recall, when the Senate adhered to its acceptance of Report B, we then only had one motion left before the House, and that was the motion to recede and concur. The gentleman from Cape Elizabeth is quite correct. However, since that time, the bill was passed to be engrossed and has come back now for enactment and under the suspension of the rules, the amendment is in order.

As for the substance of the amendment, I think it is clear that we are in a position now, if it's going to be a \$2.30 minimum wage, the only question is whether its going to be in January, whether it's going to be in October or whether it's going to be in June. I, for one, feel it should be in June, as soon as possible, which is why the emergency preamble is put on the bill. The bill would now go down to the Senate.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I certainly have no objection to the content of the amendment which the gentleman from Durham is putting on. I do, though, however, have a serious reservation about the parliamentary maneuver, it does seem to me and I have been told by others that, actually, what the other Body did, pass a positive motion and adhere to that motion, that it was its final act and I would certainly not like to see this bill go back and die and perhaps have the effective date January rather than October as it would be, if it passed in its present form without the amendment. So, in view of those things, I have nothing to say except, I guess, each individual has to vote his own conscience but it seems to me there is perhaps a disagreement on whether or not this is a proper motion.

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

Mr. DOAK: Mr. Speaker and Members of the House: I would have to stand in opposition to this amendment for several reasons, that coming from a resort area and knowing that there are many in this state, I suspect that by now all of the brochures and all of the advertisements that are going out to the non-residents of this state, now vacationers, that all rates have been posted as to the type of accommodations that are going to be offered. Now, if this goes into effect immediately, this might, I'm not sure that it would, but it's just an assumption on my part, it might create some hardship on the owners and operators of these accommodations. Therefore, I would ask you to defeat the motion to pass this amendment.

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

Mrs. TARR: Mr. Speaker, Members of the House: I urge you to vote against this amendment. I thought we had this thing

settled pretty well but I underestimated Mr. Tierney, and I don't mean that in any derogatory manner. He's a very bright young man, but when we came out with this Committee Report "B", I was going to put September date on that because we weren't sure when we might adjourn and I think perhaps, when I talked this over, and Mr. Tierney thought perhaps that wouldn't be necessary. Now, I don't really know, I know that all this parliamentary procedure and you can do this and you can adhere and you can recede and you can concur, but I'll tell you, if you keep on fooling around, you are going to kill the whole thing and I urge you to vote against that amendment, and I think if we adhere with the Senate, that we should keep that position.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I support the amendment. I support the amendment because its "now", right now, is when people need more money in their take-home pay and I don't care if these summer resorts have advertised their prices or not, they're still going to make money. People that are in business are very intelligent people. I don't mean myself. I would like to rephrase that, I'm sorry, I apologize. Businessmen know the different costs that are involved for doing business. However, I am a great believer that the take-home pay for the working people is the most important thing and we need it "now." We don't need it next January or the year after, they need the money now and the working people of this state are entitled to that and I certainly hope the members of this Body will support Mr. Tierney's amendment.

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

Mr. MCKERNAN: Mr. Speaker and Ladies and Gentlemen of the House: As we found out earlier this morning that different bodies can differ on questions of procedure, for instance, like germaneness of amendments and the like, I think that's one thing we should keep in mind here and regardless of whether or not the Speaker is correct in his decision on parliamentary procedure, the question is whether the other body will agree with him, so I just think we should all keep that in mind and I would assume, hopefully anyway, that if this amendment passed and it were defeated in the other body, that at least it would come back to us. There is that chance, however, that they will take a different view of procedure and that rule since they have it here, that they would just file it and we won't even get \$2.30 in October. Now, that's my procedural argument. The argument on the amendment itself, as I think most of you know, some members of Republican leadership came out in favor of \$2.30 immediate. A lot of other people, including members of our own party, decided that it ought to be in October. That's fine, but I would, basically, favor the amendment of the gentleman from Durham except for one problem and that is that when we originally came out with \$2.30, immediately, we set a date so that it would begin on a Monday and, at that time, when that release went out, it was in April and we said we figured that this would go through with some haste, at least, and so we set an effective date of May 5. This

amendment, as is proposed, has no effective date except the general emergency clause, which means that the day after the Governor signs it, the bill will take effect. I would suggest that if the gentleman from Durham is serious on this amendment or whether he is just trying to get the rest of us on record as opposing it or especially the other body, that perhaps another amendment could be drafted that would have an effective date of June 5th or something to give some lead-in time to let the employers in this State get used to the idea of having to change their whole wage scale.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I'll be very brief, but Representative Doak, in his speaking of this, this morning, I have had several telephone calls from my constituents and they have all said the same thing. I have one that runs a motel there and he said all his literature is out and the prices are on it and that under this, if this bill should go through now, if this amendment should go through, he would have to lay off two or three of the people that he keeps through the summer to offset this increase in his cost and I think we should keep this in mind. Rather than laying off, I think that if we hold the way we are until October that it would be a lot better all around.

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

Mr. MCKERNAN: Mr. Speaker, I would like to pose a question through the Chair to anyone who would like to answer and that is whether or not an emergency measure will, in fact, take effect, the day after signing or when it takes effect with this Emergency Preamble.

The SPEAKER: The gentleman that the emergency has presented, means that the bill takes effect when signed, as all other emergencies.

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

Mr. MCKERNAN: Thank you Mr. Speaker. For that reason, I would oppose this amendment. However, if somebody would like to put an amendment in which would have an effective date of whatever the first Monday in June is, I would support that but I don't think it's fair to say that if the Governor happens to sign this on a Wednesday or a Thursday, that immediately, we are going to change our wage schedule.

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: Just inadvertently yesterday afternoon, as I was walking down the street, a local contractor stopped me and told me that, because of this increase, it was going to be impossible for him to hire four people this summer. He was just going to have to cut his crew back that much. I cannot vote to keep people from getting jobs this summer, so I oppose this amendment.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen: First, I would like to say that I'm glad the gentleman, Mr. Tierney, has asked for a roll call, because I certainly would have, if he had not. I would like to pose a question to that gentleman. If

this bill ends up completely dead because of the parliamentary question that might be perceived by the other Body, would the gentleman from Durham prefer that there be no increase in the minimum wage at all, realizing, of course, if that happens, that all of us who voted against the \$2.50 might become the fall-guys in this Body, when, in fact, the gentleman himself, would be responsible? I am, therefore, glad that the roll call was asked for because that will indicate responsibility.

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

Mr. TIERNEY: Mr. Speaker, Members of the House: I have yet to speak on a minimum wage issue but I guess the time has finally come, because I, for one, don't believe that we ought to play games with people's lives and I, for one, am not looking to make anybody the fall-guy and I'm not looking for any means or any system of trying to put people on record about an election which is two years from now. Worry about the people — I'm worried about the people that we're trying to give a few dollars for a little earlier so that maybe we can pass this fantastically radical amendment of giving them an extra \$5 or \$6 dollars a week this summer so that maybe they can afford to take their family to the beach. My good friend from Bangor asked such a tricky parliamentary question as to whether emergency measures come into law on the date they are signed. He knows, he did his honor thesis in law school on parliamentary procedure of this House.

People are sick and tired of having these games played with the minimum wage. The other Body has told us they will not accept anything but \$2.30 but the joint Republican leadership has told us in screaming headlines that they want the \$2.30 emergency and that's exactly what this bill does. It sends it right back to them and the decision is very clear and it is theirs.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Thank you Mr. Speaker, ladies and gentlemen, again I am glad to hear the gentleman's speech but I wish the gentleman would address the question that I asked, and for his benefit, I will repeat it. Is the gentleman willing to assume the responsibility on behalf of Maine's working people if this bill is lost entirely?

The SPEAKER: The Chair would advise the gentleman from Kennebunk, Mr. McMahon, that the rules are quite clear, that this Body may suspend any rule it so desires and then it goes to the other Body in the fashion if left here. There is absolutely no way, if the rule is suspended here on this measure or any other measure, that the other Body can kill it without coming back here for final enactment.

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

Mr. FINEMORE: Mr. Speaker, I would like to pose a question to the Chair. Isn't it true that the only method they can do would be in non-concurrence anyway?

The SPEAKER: The Chair would advise the gentleman from Bridgewater in the affirmative. If the other Body wishes not to accept the amendment, they could move to insist or even to adhere, which then this Body could recede and concur again if it so desires.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have sat in this Body for 10 years. I have heard this minimum wage discussed for 10 years, and there is no reason why we can't pass \$2.30 without any quibbling and qualms because I voted for them and gone back and campaigned that I did and I keep coming back here. That is the thing you want to think of, is what are you going to do for the people that has got to have some money to live on?

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to say anything on this, but I would feel remiss if I didn't. The emergency part, if we look at it in practical terms, and it is not necessarily the people that will receive the \$2.30 this summer who will be able to take their kids to the beach or whatever, the point of the matter is that if you don't give the employers time to program this \$2.30 into their rate schedule or whatever you want to call it, then it is a good chance that maybe that fellow that wanted to go to the beach and have the money to go to the beach will be there all summer long because he won't have any employer.

Now, let's be reasonable on both ends. I have been on both sides. I have been the person receiving minimum wage, as has probably everybody here, and now I am an employer and it won't affect me a bit. I do feel sorry for those who it will affect because you are not giving them any bit of consideration at all, none. Let's give them until the end of the summer. Let's be considerate of both sides.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose this amendment, because coming from an area where there is much seasonal employment and much recreational employment, I certainly am sure that it will impose a hardship on those businesses and those proprietors that have to operate.

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 we will support Representative Tierney this morning. The members of this House, certain members, are using scare tactics and I don't believe that this is going to hurt the employer one bit. I am an employer and it is not going to hurt me and these summer people that claim that it is going to hurt their business, I don't believe it is going to hurt them one bit either. I think this is just a way to get away from the minimum wage that certain members like to do once in awhile, but I feel we have an obligation and I certainly would urge the members of this House that you wouldn't want to be taking home \$2.10 an hour and to use the scare tactics that it will die and go back, I don't buy that one bit. I will have to go along with the Speaker of the House because I want to.

I would urge you all to be very serious about this because it is important and I feel that the working people really deserve it, they are working hard and it is the lowest class of people that we have in the working people field. We are not talking about paper machine attendants, we are not talking about coder men and beater men who are all making over \$4 an hour, this is not for them, we are talking about the persons, the young people, the men and

the women who make \$2.10 an hour and I am telling you, with all you school teachers in this room, you wouldn't want to be teaching school for \$2.10 an hour and I am sure I wouldn't either. I urge the support of Mr. Tierney's amendment.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief because I know we have had quite a bit of debate on this, but I think in answer to a couple of questions, in answer to the gentleman from Kennebunk, if he was so very interested in the working class people of this state, he would make sure that we don't lose this bill and the working class of people of this state don't lose what we are trying to do for them.

I think it is kind of hard for me to believe and I know for you to believe that the Senate is now passing a bill (I am talking about the Federal Senate or should I say Congress) that the President has asked for \$405 million for refugees and we are arguing for a 30 cent raise. I don't know how many of you but I know that I meet and see and talk to people every day in my travels that will never ever get out of the rut they are in because they don't make enough money. They will struggle for the rest of their lives, making a minimum wage and they will never ever get out of that rut. That is a pretty deplorable and depressing situation to be in.

We have a chance to do something about this and I would suggest to you today that most of you here have had a free ride up to now, now we are down to the nitty-gritty, now it is time for you to do the job or not do the job and I suggest that you stand up and vote for the amendment of Mr. Tierney.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I am not opposed to a man getting an increase in wages. I am an employer at the moment and my men that work with me will not be affected by this because they already are receiving more than the minimum and more than the minimum will be, so I don't have anything personal in this except for the fact that I am representing an area where people will be affected, both the cottage owners and contractors and such. We are in a low income area and I guess the whole state could be classified as that and I realize that and I realize also that if a man is laboring, he is worth that \$2.30 an hour and worth more than that and if we could afford to charge that much more for our services, then perhaps we could give him more and I am sure that everybody would be willing to do so. I don't believe that any of us want to keep our fellow man down to the lowest level of subsistence. I have never been in that position and I don't expect that any of you gentlemen or ladies here are in that position now.

I am pleading for time to adjust to this for those that are operating businesses at a minimal markup or profit-making venture, trying to stay competitive and trying to stay in the business of supplying accommodations and also jobs for the people that would not have a job otherwise if those were not operating.

The fact is that there are many people who have put up their price, I realize that it doesn't affect the factories nor the grocery stores nor any of these type of people, but it does affect the resort owner people and, therefore, I would make one last plea, but I would like to be put on record as not opposing the increase in the

minimum wage. In fact, I was willing to go along with the \$2.50 and I certainly would still be willing to go along with that but I would plead for time.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: My friend Mr. Doak from Rangeley has urged that we give the businessmen of the state a little bit of time to adjust to the raising of the minimum wage. I ask him and the other members of this House whether we ask the citizens or the taxpayers the people that work in the state, whether the businessmen of the state have given us the time to adjust to raises in their prices?

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I know quite a few elderly people in Sanford who have taken small jobs and they don't need it at the end of the summer, they need this increase at the present time. These people have a home of their own, they work two or three days a week in order to supplement their Social Security in order to buy clothing, to buy food. In fact, my wife is working at the present time three days a week. There is one of these women who fell sick and was crying, afraid that she would lose her job and my wife went out and took her place in order for her to recuperate. She had an operation. I am telling you they are too proud to go and get food stamps and these are the people that need some help.

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

Mr. DYER: Mr. Speaker, Ladies and Gentlemen of the House: Before I start, can I assume that we are discussing 1834?

The SPEAKER: The Chair would answer in the affirmative.

Mr. DYER: Mr. Speaker, Ladies and Gentlemen of the House: I certainly am not opposed to the \$2.50 an hour. I am not opposed in any way to labor. I just question the timing of it, that is all. And having received many telephone calls from many of my constituents, I am not one to say whether they will have to lay off one or two men or I don't believe anybody is in a position to say whether or not they will lay off one or two men, or whether they are using this as just an excuse. I would like to go on record as opposing the timing of the raise of the minimum wage scale of \$2.50.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I just believe that I ought to answer just one statement made by the gentleman from Durham, Mr. Tierney, about the screaming headlines, in his impassioned plea to the House.

I want to tell you that as far as we are concerned in this corner, when we made that our position, which was back several months ago, we felt it to be an adequate and proper vehicle. We supported it, we did our best to support it.

Now, we arrive at this position today, though, where all of a sudden now we put an amendment on, which makes it immediately after the Governor signs and I maintain that it is irresponsible to the business community of this state. We will be perfectly happy to have this bill tabled and put on another date, which gives

business a chance to adjust but to put this bill through now, with this amendment, and expect the Governor to sign it, and expect businesses, which are not prepared for it, to immediately begin to pay this extra, I think is totally irresponsible.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House I move that this item lay on the table one legislative day.

The gentleman from Durham, Mr. Tierney 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 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 before the House is the motion of the gentleman from Bangor, Mr. McKernan, that the House table for one legislative day. If you are in favor of tabling, you will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Ault, Bagley, Berry, G.W.; Birt, Bowie, Byers, Carey, Carpenter, Churchill, Conners, Curtis, Doak, Dudley, Durgin, Dyer, Faucher, Garsoe, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Kauffman, Kelleher, Kelley, Laverty, Leonard, Lewin, Lewis, Lizotte, Lovell, Mackel, MacLeod, Maxwell, McBrearty, McKernan, Miskavage, Morin, Morton, Norris, Palmer, Perkins, S.; Perkins, T.; Pierce, Shute, Silverman, Snowe, Sprowl, Strout, Susi, Teague, Torrey, Tyndale, Walker and Webber.

NAYS: Albert, Bachrach, Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Call, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, hall, Henderson, Hennessey, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kennedy, Laffin, LaPointe, LeBlanc, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; McMahon, Mills, Mitchell, Mulhern, Nadeau, Najarian, Peakes, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Spencer, Stubbs, Talbot, Tarr, Theriault, Tierney, Tozier, Truman, Twitchell, Usher, Wagner, WILFONG, Winship and The Speaker.

ABSENT: Bennett, ayroll, Hobbins, Littlefield, Lunt and Peterson, P.

Yes, 58; No, 86; Absent, 6.
The SPEAKER: Fifty-eight having voted in the affirmative and eighty-six in the negative, with six being absent, the motion does not prevail.

The SPEAKER: Just for the record, the Chair would simply read for you the provisions from Reed's and Hughes' American Parliamentary Guide and Reed's Rule of Order: The motion to suspend the rules is decided affirmatively waives and suspends all requirements and provisions of the rules and brings the House to immediate action on such matter.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I support the adoption of the emergency preamble on this bill today. We have heard discussion in this House ranging from the needs of business people in the community to summer and recreational employees, the elderly, and the workingmen and women of the State of Maine but what we are really addressing today is a small sum of money.

The current minimum wage is \$2.10 an hour, times the average 40 hours a week, equals a total take-home gross pay of \$84. Should this emergency measure prevail this morning, we are talking about a minimum wage of \$2.30 an hour times 40 hours a week, equals \$92 a week, a difference of \$8 a week. Should the measure pass in the other Body, we are talking about a time span of about four months — \$8.00 a week times the four weeks, in the average month, equals \$32 times four months, June, July, August and September, equals a total of \$128. It would seem to me that \$128 for the citizens of the State of Maine does not warrant the debate we have heard in this House. I would say that \$128 is not reflective nor at all comparable to the double digit inflation that all Maine citizens and consumers are experiencing right now.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: There is one aspect here that I haven't heard mentioned and that is the law that requires time and a half for over 40 hour. A lot of the employers provide overtime and I am sure they are going to take a second look at \$3.45 an hour.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have sat and listened this morning about businessmen assuming this extra cost of minimum wage. We all know that is wrong. Hopefully, all of us here expect, because we are all consumers, to absorb the cost of this extra wage. We are not asking the businessman to take \$30 or \$40 extra out of his pocket; hopefully, he is going to pass that on to all of us. Hopefully, these people can enjoy some of the benefits that all of us here have.

I urge the adoption of this amendment.

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

Mr. AULT: Mr. Speaker, if the gentleman from Saco, Mr. Hobbins were here, he would vote yes and I would vote no, and I would pair with Mr. Hobbins.

The SPEAKER: The gentleman from Wayne, Mr. Ault, pairs with the gentleman from Saco, Mr. Hobbins. If the gentleman from Saco, Mr. Hobbins were present, he would be voting yes; if the gentleman from Wayne, Mr. Ault, were voting, he would be voting no.

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

Mr. Ault of Wayne paired with Mr. Hobbins of Saco. If Mr. Hobbins were here he would be voting yes and if Mr. Ault were voting he would be voting no.

ROLL CALL

YEA — Albert, Bachrach, Berry, G.W.; Berry, P.P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Carey,

Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Durgin, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hewes, Hinds, Hughes, Hutchings, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lewis, Lizotte, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreaury, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snowe, Spencer, Strout, Stubbs, Talbot, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Bagley, Bowie, Byers, Call, Connors, Curtis, Doak, Dudley, Dyer, Farnham, Garsoe, Gould, Gray, Higgins, Hunter, Immonen, Jackson, Kelley, Laverty, Leonard, Lewin, Lovell, Mackel, MacLeod, McKernan, Morton, Palmer, Perkins, S.; Perkins, T.; Rollins, Snow, Sprowl, Susi, Tarr, Torrey, Webber.

ABSENT — Bennett, Carroll, Littlefield, Lunt, Peterson, P.;

PAIRED — Ault, Hobbins, Yes, 107; No, 36; Absent, 5; Paired, 2.

The **SPEAKER**: One hundred and seven having voted in the affirmative and thirty-six in the negative, five absent and 2 paired, the motion does prevail.

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

At this point, the Speaker suspended the rules and the members were allowed to take off their coats.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Extend the Hours for Sale of Liquor During the Tourist Season." (H. P. 1358) (L. D. 1660)

In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-242). In Senate, Indefinitely Postponed, in Non-concurrence.

Tabled — May 9, by Mr. Jensen of Portland.

Pending — Motion of Mr. Dyer of South Portland to Recede and Concur.

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

Mr. **JENSEN**: Mr. Speaker, Ladies and gentlemen of the House: This is my bill. It originally came out of committee eight to five "Ought to Pass". It was passed in this Body twice, went over to the other Body, was passed, and then finally killed.

I would ask the members of the House to vote against the pending motion to recede and concur inasmuch as that would kill the bill.

This bill, if passed, would allow the sale of liquor to be extended during the tourist season defined as the summer. That is the time of the year when people tend to be out late anyway, tend to be out enjoying themselves. Also, the tourists are there and we can get a little bit more money from them. I would ask the people to vote against the pending motion.

The **SPEAKER**: The pending question is on the motion of the gentleman from South

Portland, Mr. Dyer, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 43 having voted in the negative, the motion to recede and concur did not prevail.

Mr. Jensen of Portland moved the House insist.

Mr. Dyer of South Portland requested a Division.

Mr. Jensen 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 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 Newcastle, Mrs. Byers.

Mrs. **BYERS**: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to anyone that might answer. What is the tourist season in Maine? Does that include the skiing season in the winter, the boating season in the summer, and the hunting season in the fall?

The **SPEAKER**: The gentlewoman from Newcastle, Mrs. Byers, poses a question through the Chair to anyone who cares to answer.

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

Mr. **JENSEN**: Mr. Speaker, Ladies and Gentlemen of the House: The tourist season is defined in the bill from May to September. I think it is the first of May to the first of September, I believe that is it.

The **SPEAKER**: The pending question is on the motion of the gentleman from Portland, Mr. Jensen, that the House insist on Bill, "An Act to Extend the Hours for Sale of Liquor During the Tourist Season" House Paper 1358, L. D. 1660. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Berube, Boudreau, Bustin, Carter, Connors, Connolly, Cooney, Cote, Curran, P.; Curran, R.; Curtis, Dam, Dow, Farley, Faucher, Flanagan, Fraser, Goodwin, H.; Greenlaw, Hall, Henderson, Hennessey, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lynch, MacEachern, MacLeod, Martin, A.; Martin, R.; McKernan, McMahon, Mitchell, Mulkern, Nadeau, Najarian, Pakes, Pelosi, Perkins, T.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Snowe, Talbot, Tarr, Theriault, Tozier, Truman, Tyndale, Waner, Walker, Webber.

NAY — Ault, Bagley, Berry, G. W.; Berry, P. P.; irt, Blodgett, Burns, Byers, Call, Carey, Clark, Cox, Davies, DeVane, Doak, Dudley, Durgin, Dyer, Fenlason, Finemore, Goodwin, K.; Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kelley, Lewin, Lewis, Lizotte, Mackel, Maxwell, McBreaury, Morin, Morton, Perkins, S.; Post, Rollins, Shute, Silverman, Smith, Spencer, Sprowl, Stubbs, Susi, Tierney, Twitchell, Usher, Wilfong, Winship.

ABSENT — Bennett, Bowie, Carpenter, Carrol, Chonko, Churchill, Drigotas, Farnham, Garsoe, Gauthier, Gould, Hobbins, Kennedy, Littlefield, Lovell, Lunt, Mahany, Mills, Miskavage, Norris, Palmer, Peterson, P.; Snow, Strout, Teague, Torrey.

Yes, 70; No, 53; Absent, 27.

The **SPEAKER**: Seventy having voted in the affirmative and fifty-three in the negative, with 27 being absent, the motion did prevail.

The Chair laid before the House the second item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-276) — Committee on Fisheries and Wildlife on Bill "An Act to Permit Hunting with Muzzle-loading Rifle." (H. P. 311) (L. D. 374)

Tabled — May 9, by Mr. Mills of Eastport.

Pending — Acceptance of Either Report.

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

Mr. **KAUFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House: I move we accept the Majority "Ought not to Pass" Report.

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

Mr. **USHER**: Mr. Speaker and Members of the House: I oppose this motion. I urge the House to accept the Minority Report. This bill has been endorsed by many fish and game clubs in the state and also the Maine Fish and Game Association. It really hasn't been long ago that our great-grandfathers, perhaps or grandfathers, depended on black powder, and muzzle-loading rifle for food, war and sport.

To open one week of this specialized kind of hunting will give men a chance and a challenge to hunt the very same way their forefather's did. Because of the type of hunting it is, close one-shot or nothing, there will not be a vast deer kill, only a slightly more than the bow hunters. Last year the bow hunters had a total of 63 deer shot in the state. It will also open a new avenue of revenue for the Department of Inland Fisheries and Game. This is a safe and accurate sport. Also it will create a new business for sporting goods stores and hardware stores. I would ask that you oppose the motion on the floor to accept the Majority Report.

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

Mr. **KAUFFMAN**: Mr. Speaker, and Members of the House: I would agree with some of the comments of my good friend from Westbrook. However, he said it right when it would open up a lot of business for the sporting goods people. That is just the people that want this bill. As a matter of fact, it was stated at committee hearings that one gentleman, who runs a sporting goods store, was waiting to order 50 muzzle-loading rifles. I oppose this bill, it is opening up an avenue. Next year, someone will come in and they will want a special season for hand-gun shooters and today you can buy a hand-gun just as powerful as any rifle. I say that this bill is no good. The majority of the committee

voted against it. We have testimony that there was a lot of clubs who were not in favor of it, including the Maine Archery Association. They would be hunting the same time the archers are and I don't believe we should open up the deer season to any more hunting than we have now.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I dislike very much opposing my good friend from Westbrook, but I feel this is a bad law. All that this law does is provide an extra week of hunting for somebody that wants to hunt with a muzzle-loader. I hunt with a 35 Remington and I am considering an amendment to this to give me an extra week of hunting and anyone else who hunts with a 35 Remington. These people can hunt during the regular hunting season with a muzzle-loader right along with the regular hunters and I don't feel they are entitled to an extra week of hunting. I don't have a muzzle-loader, so I can only hunt during the hunting season.

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

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank Mr. Mills for tabling this bill last week, so it gave me a little bit of time to check out a muzzle-loader. I not only checked those out, I checked out the hunters along with it. I spent some time Saturday with the muzzle-loading hunter and so for some of you here that perhaps don't know just what happens with a muzzle-loader, I thought I would tell you the experience that I had. The rifles look very similar to a regular rifle. The one I was using was a 58 caliber and you load these with black powder which is measured out ahead of time, in 45, 50 or 60 grains. You load your muzzle-loader, you hold it out away from you and you pour in your black powder and then you have either a mini-bullet or a mini-ball and you grease that with Crisco and you put that down the muzzle. Then you have the ramrod and that is underneath the rifle and you take that out and hit it a couple of times and then you put that back. Then you put on a percussion cap and then you are in business. I did, I loaded it and I shot the gun — Mr. McBreairty seems to be all shook up down there — but really, I am very serious about this and the muzzle-loaders have asked me to try to support it and I am probably going to set it back another 100 years. I must admit I didn't hit the target. It has quite a bit of kick to it and when the smoke cleared away, the twigs were still falling out of the trees. Really, I can see that, all in all, it is quite a thrill. I felt a little bit like Daniel Boone and if I had one here this morning, I would know what to do with it.

These muzzle-loading hunters have asked for a week of extra time and I really think they need it. It takes almost that much time to get the thing loaded. They are only asking for a week. It is a sport that takes a lot of patience. You have to have a little bit of quiet in the woods and in the regular season, when you have all the hunters running back and forth and, I mean, really, I wish you would give it some serious consideration. Let them have one week. I think it is quite a sport and I may go back and do it again next weekend.

Mr. Peterson of Windham 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 Kittery, Mr. Kauffman, that the House accept the Majority "Ought not to Pass" Report on Bill, "An Act to Permit Hunting with Muzzle-Loading Rifle" House Paper 311, L. D. 375. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Bagley, Burns, Call, Carey, Carpenter, Chonko, Connors, Connolly, Cooney, Cox, Curran, R.; DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Fenlason, Fraser, Goodwin, K.; Hinds, Hunter, Immonen, Jacques, Kauffman, LaPointe, Laverty, Leonard, Lewin, Lizotte, Lynch, MacEachern, Mahany, Martin, A.; McMahan, Mills, Morton, Mulkern, Pelosi, Powell, Raymond, Silverman, Sprowl, Strout, Susi, Talbot, Tyndale and Walker.

NAYS: Ault, Bachrach, Berry, G.W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bustin, Byers, Carter, Churchill, Clark, Cote, Curran, P.; Curtis, Dam, Farley, Farnham, Faucher, Flanagan, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hughes, Hutchings, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LeBlanc, Lewis, Lovell, MacLeod, Maxwell, McBreairty, Miskavage, Mitchell, Morin, Nadeau, Najarian, Norris, Palmer, Peakes, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Rideout, Rolde, Rollins, Saunders, Shute, Snowe, Spencer, Stubbs, Tarr, Theriault, Tierney, Tozier, Truman, Twitchell, Usher, Wagner, Webber, Wilfong and Winship.

Yes, 52; No, 80; Absent, 18.

The SPEAKER: Fifty-two having voted in the affirmative, and eighty in the negative, with eighteen being absent, the motion did not prevail.

Thereupon the Minority "Ought to Pass" Report was accepted the bill read once. Committee Amendment "A" (H-276) was read by the Clerk and adopted, and the bill assigned for second reading tomorrow.

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage: (H. P. 1588)

ORDERED, the Senate concurring, that the Joint Standing Committee on Education is directed to report out a bill creating an interim commission to study the financing of public education.

The Order was received out of order by unanimous consent and read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have checked this order out with the Speaker and the leadership of both parties in this House individually. I have had this in mind for a long time. I think this is the answer. Incidentally, I have no thought or idea of wanting to serve on such a commission when it is set up, if it is set up at all, because I know that I am not well versed into the intricacies of the problem. By the same token, I want all sides well

represented. I would hope certainly that somebody from the Appropriations Committee, the Performance and Audit, the Taxation Committee, particularly where I think this bill originally should have gone to possibly, or else a joint committee with the Education Department coming into it and also possibly the State Government Committee. In any event, I am sure that with the cooperation and help of the leadership, we would put something down on the statutes that would hold and serve even again notice that we meant business when we did say that we wanted to straighten out this situation. Mr. Speaker, I move passage of the order and I ask for the yeas and nays.

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 add my bit to this Order and certainly approve its passage and hope you vote for it this morning.

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 will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is the adoption of Joint Order Relating to an Interim Commission to Study the Financing of Public Education, House Paper 1588. All those in favor of adoption will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, K.; Gray, Greenlaw, Henderson, Hennessey, Hewes, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lynch, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahan, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, The Speaker.

ABSENT — Bennett, Bowie, Davies, Dudley, Garsoe, Gauthier, Goodwin, H.; Gould, Hall, Higgins, Hinds, Hobbs, Kauffman, Littlefield, Lunt, MacEachern, Mackel, MacLeod, McKernan, Norris, Peterson, P.; Snow, Teague, Tyndale, Winship.

Yes, 125; No, 0; Absent, 25.

The SPEAKER: One hundred and twenty-five having voted in the affirmative and none in the negative, with twenty-five being absent, the motion did prevail.

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

Mr. Palmer of Nobleboro presented the following Joint Resolution and moved its adoption: (H. P. 1589) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

STATE OF MAINE

Joint Resolution Requesting the Public Utilities Commission to Consider Granting Compensatory Rate Increases to the Maine Yankee Atomic Power Company and to the Central Maine Power Company to Reflect the Sudden Increase in Operating Expenses Caused by the Enactment of L. D. 1452

WHEREAS, L. D. 1452, as amended, has been enacted into law by the 107th Legislature; and

WHEREAS, as a direct result of the enactment of L. D. 1452, the Town of Wiscasset will be faced with a substantial property tax increase; and

WHEREAS, Maine Yankee Atomic Power and Central Maine Power Company pay well in excess of 90 Percent of Wiscasset property taxes; and

WHEREAS, due to the sharp increase in property taxes without any corresponding increase in revenues, enactment of L. D. 1452 creates a sudden and unexpected economic emergency for those electric utilities; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature, hereby request that the Public Utilities Commission give immediate consideration to the granting of compensatory rate increases to the affected Maine electric utilities in amounts to reflect the large, sudden and unbudgeted increase in their operating expenses caused by the enactment of L. D. 1452.

The Resolution was read.

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

Mr. FARLEY: Mr. Speaker and Members of the House: I have this same joint order, is this supposedly supposed to be a signature on this joint order?

The SPEAKER: The Chair would inform the gentleman that the Joint Resolution in the possession of the Clerk, the original does have the Joint Order and it is signed.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask a parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I noticed that in the body of the resolution it says that the legislature has enacted into law, and I would ask if in fact the legislature has at this point enacted into law L. D. 1452?

The SPEAKER: The Chair is under the impression that the other body has in fact enacted it as well.

The Chair recognizes the same gentleman.

Mr. CAREY: Mr. Speaker and Members of the House: I would then ask if being under the impression is equal to in fact being notified that the thing had become law? Therefore this may be tabled until later in today's session.

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

Mr. BERRY: Mr. Speaker and Members of the House: A point of inquiry. I would be interested to know whose name does appear on the order.

The SPEAKER: The order was presented by the gentleman from Nobleboro, Mr. Palmer.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: Again a parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. FARLEY: Mr. Speaker, and Members of the House: Is not our copy of this Joint Resolution supposed to conform to the one presented to the Clerk? I have a copy here with no signature at all.

The SPEAKER: The Chair would inform the gentleman that is not required. The Chair would inform the members of the House that the Bill, 1452, was enacted in the other body by a vote of 26 to 4, the motion to reconsider was made and that failed. The bill is not on the Governor's desk.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: There seems to be a great deal of confusion about this order. I, myself, wonder what effect it does have and whether it has any legal effect on the Public Utilities Commission. I think because of the way this came in, there is an awful lot of confusion. I would hope that someone would table this for one legislative day.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I move this be tabled one legislative day.

Mr. Palmer of Nobleboro requested a vote on the tabling motion.

Mr. Peterson of Windhem requested a roll call vote.

The SPEAKER: A roll call had 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 and Members of the House: A parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. DAM: Mr. Speaker and Members of the House: Where this order here on the white sheet has been presented to us has no signature, how are we to know that this is the same order that is in possession of the Clerk which we are being asked to vote on.

The SPEAKER: The Chair would inform the gentleman that there is a House Paper number which is carried on that paper which you now have, which carries the House paper which is provided here on the original Joint Resolution introduced.

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Najarian, that this Joint Resolution, House Paper 1589, be tabled one legislative day pending adoption. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berube, Blodgett, Boudreau, Burns, Carey, Carpenter, Carter, Chonko, Clark, Connolly, Cox, Curran, P.; Curran, R.; DeVane, Doak Dow, Faucher, Fenlason, Flanagan,

Goodwin, K.; Hughes, Ingegneri, Jacques, Joyce, Kelleher, LaPointe, Lavery, LeBlanc, Mahany, Maxwell, Mulkern, Nadeau, Najarian, Pelosi, Peterson, T.; Quinn, Rolde, Saunders, Smith, Spencer, Sprowl, Talbot, Theriault, Tozier, Twitchell, Usher.

NAY — Ault, Bachrach, Bagley, Bennett, Berry, G.W.; Birt, Bowie, Bustin, Byers, Call, Churchill, Conners, Cooney, Cote, Curtis, Dam, Davies, Drigotas, Durgin, Dyer, Farley, Farnham, Finmore, Fraser, Gauthier, Goodwin, H.; Gould, Gray, Henderson, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Kany, Kelley, Kennedy, Laffin, Leonard, Lewis, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Martin, A.; Martin, R.; McBairty, McKernan, McMahon, Mills, Mitchell, Morin, Morton, Palmer, Peakes, Perkins, S.; Perkins, T.; Pierce, Post, Powell, Raymond, Rideout, Rollins, Shute, Silverman, Snowe, Strout, Stubbs, Susi, Tierney, Torrey, Truman, Wagner, Walker, Webber, Wilfong, the Speaker.

ABSENT — Carroll, Dudley, Garsoe, Greenlaw, Hall, Hobbins, Kauffman, Lewin, Littlefield, Lunt, Miskavage, Norris, Peterson, P.; Snow, Tarr, Teague, Tyndale, Winship.

Yes, 47; No, 85; Absent, 19.

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

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

Mr. Palmer: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I think to adequately cover this resolution I should probably repeat many of the things which I said the other night when I lost my motion on a 67 to 61 vote to treat the town of Wiscasset the same way we treat everybody else on the subsidy problems involved in 1452.

I want to read, and I want you to look at this order. I did sign it. There is no funny work between what is up there and what is down here, it is the same order. I want to read it, it just simply says, "Resolved: That We, the Members of the 107th Legislature hereby request that the Public Utilities Commission give immediate consideration to the granting of compensatory rate increases to the affected Maine electric utilities in amounts to reflect the large, sudden and unbudgeted increases in their operating expenses caused by the enactment of L. D. 1452."

Very briefly, this House the other night, many of you felt as I did, that the formula used in 1452, the distribution of funds was inequitable it was unfair, I call it unethical, not alone for the citizens of Wiscasset, but for the power company there involved.

I am not standing up here this morning as a proponent of any one particular individual group, I am coming back to you same people and asking you to apply the lesson of fairness which we tried to apply the other night. Many people in the debate said at that time that they thought that who was going to pay for this anyway the consumer was going to pay for it. This simply says the Public Utilities Commission, in view of the fact that CMP particular did not have budgeted this significant amount of money for their taxes, that the commission should at least look into the problem, should consider it and should consider the fact that perhaps

compensatory rate increases should be granted to take care of this extra burden.

I submit to you this morning that there is no corporation in this state, no business in this state which is so rich that it can overnight find a million or two extra bucks which it did not budget for.

I think that we have asked CMP to fund a part, an extra part, of the cost of education in this state, more than their share. I think that we should at least say, having done that, we want them to at least have a day we want the PUC to consider the fact that we have done it and in that light, perhaps, if they see fit in their wisdom to grant some compensatory rate increase to them to care for this deficit.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those who voted with Mr. Palmer the other day when he gave his very eloquent plea on behalf of his constituency and I did it with true devotion and absolutely consistent with my conscience.

I have a number of questions. I didn't expect this to appear quite as quickly. As a matter of fact, I hadn't been informed it was going to appear at all. This is a quasi-judicial body and I am wondering what the ethical implications of attempting to influence a quasi-judicial body are. I have no conclusion of my own that I would wish to offer at this point. I think it is something that certainly should be considered before we vote either way on this. I don't believe we would attempt to petition a court in this manner and I wonder also about the timeliness of this, and at this point at least, as far as I know, Central Maine Power Company does not have an application before the Public Utilities Commission.

The number of questions that I think ought to be looked into that have not been answered, I am going to have to vote against this today and otherwise I might possibly, if the questions were answered satisfactorily, would vote for it, but today, at least, I am certainly not going to vote for this thing and would ask that we be given the time to get these very serious questions answered.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am not doing anything to hurt Mr. Palmer and I hope he doesn't feel that way. I will tell you, I have a lot of business with public utilities and power companies and telephone companies and I can tell you right now, they look out for themselves. When you get your light bill and your telephone bill, you don't have to worry too much about where they are going to get their money or where it is coming from. I haven't any sympathy, although I will vote for this and support it. I wonder if it is up to us to even suggest to the public utilities, they look out for themselves.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I move that this Resolution be indefinitely postponed and request to speak to my motion.

The SPEAKER: The gentleman from Durham, Mr. Tierney, moves the Joint Resolution be indefinitely postponed.

The gentleman may proceed.
Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Many of the

remarks made by my good friend from Nobleboro that he is concerned about his constituents who live in Wiscasset have nothing to do with this order. This order is merely an orthodoxed request by this legislature to try to put pressure on a judicial body to increase the power rate for the people of this state. There isn't one word in here which gives one extra penny to the people in Wiscasset. The money which Mr. Palmer wants to get will go to Central Maine Power Company.

There are other utilities in the state that he hasn't mentioned. There is nothing in here about the phone company, there is nothing in here about Rangeley Power; there isn't even anything in here about the Eagle Lake Water District. They are utilities too, and they are affected by 1452. I think even if you wanted to go this route you would have to have a much more encompassing order than this. I don't want to go that route. It looks to me like CMP is going to have to pay their taxes, their property taxes, the same way that the poor people in my town have to pay their property taxes, and 1452 just puts the property tax rate in Durham up 30 percent — 30 percent, ladies and gentlemen, and I am going to have to go back and explain at the town meeting to the people who are living in mobile homes, and tar paper shacks, and run down homes, in a town that has a very low per capita income, and instead, what does this house do within minutes after L. D. 1452 becomes law, we try to give a subsidy to Central Maine Power Company. Well, I am against it. I want to indefinitely postpone this resolution and I request a roll call.

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

Mr. JENSEN: Mr. Speaker and Members of the House: I would speak in favor of this motion. Some months ago I, along with a lot of other members of this House, went down to CMP's plant in Wiscasset. We had a tour of the building and they gave us a series of very interesting little films, slide series and facts. One of those facts, if I remember correctly, is that a large portion, well over half of that plant is not owned by Central Maine Power. If that is the case, then we were to pass this and a rate increase were to be granted, we would be relieving taxes for a Massachusetts or perhaps a Connecticut firm and that is certainly something I would like to do.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I may be off base. I have a question and I would like to get an answer, if I may, from anyone in the House. I understand that under L. D. 1994 the tax base was 14 mills. Under the legislation we just passed, the tax base is 13.25 mills. Has the valuation of Maine Yankee changed since we have passed these laws? The tax rate went down rather than going up; therefore, how is it going to cost them any more?

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

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would say in answer to the gentleman from Anson that the pink sheet, one among many of the colorful ones we have had during the debate on 1452, showed that in 1973 the town of Wiscasset paid, which of course

does take into consideration CMP and Maine Yankee, a little over a million dollars. The new sheet shows a pay-in of close to three and a half million dollars. This is due to an increase in assessed valuation and actually leaves — even if we were to have used Wiscasset the other night the way we used everybody else, they still would have had an increase and that increase is \$700,000. This means now well over \$2 million.

I just want to take a moment, and I love the fervor of my friend from Durham, and I know he uses the same old trick each time; he loves to beat to death the big massive, giant company and just loves those poor little old people he supports and I do too. I like them. I like basic fairness. I am saying to you this morning, and to Mr. Tierney particularly, all you are doing is trying to take away from the basic concept of what I am trying to prove here. I am not telling utilities to do anything. I am just simply saying "think about it," what we in this House have done. We couldn't find a way to fund education in this state unless we did it in this very devious route and you all know it. We didn't have the courage to use the formula and stick to the formula. We had to move around, devious little nightmareish ways and stick it on to one individual company and I don't care what the company is, I don't own a dime in the stock and I don't even know the lobbyist.

I believe in fair play and I believe in decency, and we knew full well when we passed 1452 that we were saying there is a million or more here that we can't fund any other place, let's let Central Maine pay for it. The argument used was, they will pick it up from the consumer anyway. Now, if you meant it the other night you ought to mean it today. I feel we didn't mean what we said the other night. I feel now we meant we will take any corporation. The next time we might take Great Northern Paper Company, they are a good whipping boy, take S. D. Warren, take Scott, take any of them and when we can't find an extra million we need, sock it to 'em. Now, I'm not asking and this order doesn't direct the PUC to do anything except to consider the situation. I think it's a fairly reasonable thing to ask. It isn't putting a burden on anybody and I wouldn't be standing here, I think I'm as politically astute, perhaps, as my friend from Durham is, and I have little old, poor, people and I know they are going to know that I said that, perhaps, CMP or some other company should be given a little break here because they have been asked to pay a greater cost of education. If you want to really solve the whole problem, why not put the whole \$247 million on to Central Maine Power Company and then tell the PUC to spread the cost of education out over your light bills. Now, that's basically what you're doing here, in a little way, so I'm a little sick of one night, talking about one thing, the next day weaseling out of it. It is not a defense of CMP, it is not a defense of Great Northern, it is not a defense of L. E. Palmer & Sons or any little grocery store or anything else in the State of Maine. It is just addressed to basic fairness. If we can't find a way in this House to fund our education in orderly fashion and with fairness and with dignity, we ought to take this route.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I believe this

Order we have on our desks today is completely unnecessary. It seems to me, I don't think we should be going around singling out particular firms like Central Maine Power Company and having the legislature sort of imply that we'd like to see the Public Utilities Commission look into possible rate increases for them. It seems like they can go through regular channels just like all the other utilities, and if they have a problem, they can go to the Public Utilities Commission and ask for a rate increase. I find this Order completely unnecessary. What are we going to do? Are we going to give Central Maine Power Company a pat on the back, the way we gave the Maine Central Railroad a big break the other day? It just seems to me this is completely unnecessary and I don't go along with this Order at all.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I did, the other day, support the gentleman from Nobleboro, the argument he made for the town of Wiscasset.

The reason that I ask to have this item tabled is because there is one element of it that does disturb me. The Central Maine Power Company did come for a rate increase rather recently. They were granted a certain amount but they were not granted the entire amount that they wanted. They have now taken the Public Utilities Commission to court. I wonder, if we pass this Order, will we be, in any way, affecting their court case and what legal effect this particular Order will have?

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

Mrs. POST: Mr. Speaker and Members of the House: In response to that very recent request, I'd like to bring up this point which may not have been considered. The last two sentences of this Order read or the last two lines read that this action needs to be taken to reflect a large sudden and unbudgeted increase in their operating expenses caused by the enactment of L. D. 1452 and it would be my assumption that when Central Maine Power went for their most recent rate increase request, if, in fact, the property taxes that were paid by the town of Wiscasset and, therefore, at least ninety percent by Maine Yankee, we are responsible for a large amount of the capital requirement or the money requirement for Central Maine Power, then Central Maine Power would have had to, I would have again assumed, would have had to base their need to pay this property tax on 1994, because of course, they had no way of knowing that we were going to enact 1452, so Central Maine Power would have had to ask for their rate increase figuring that the town of Wiscasset was going to have to pay in over \$3 million dollars and that Maine Yankee was going to have that tax liability for property taxes. In fact, all 1452 does in terms of the tax liability of Maine Yankee and Central Maine Power's need for revenue actually gives them \$250,000 back. They are actually getting — they are getting a break as far as 1452 is concerned, in what originally they could be led to expect their property tax liability would be.

Now, in talking with some members of the PUC, the feeling there is that this small amount of money of the needed tax on Maine Yankee and would have little or no

effect on the actual rate requirements for Central Maine Power, so I support the motion for Indefinite Postponement.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am not getting up here to cry crocodile tears. I am going to read to you the salary schedule of the Central Maine Power Company officials. Chairman of the Company, Chief Executive Officer William H. Dunham \$77,250.75; Elwin W. Thurlow, Augusta, Maine, \$51,104.03; Chairman of the Board, Charles F. Phillips, Auburn, Maine \$15,000; Treasurer, Floyd F. Ludwig, \$34,619.50; Assistant Treasurer, Patrick S. Lyden \$17,749.92; Financial Vice President & Controller, Nevius M. Curtis \$38,901.; Executive Vice President, Henry W. Mertens, Augusta, Maine \$42,573.51; Vice President, Charles E. Monti, Augusta, Maine, \$38,630.; Vice President Norman J. Temple, Augusta, Maine \$35,984.25; Vice President, Walter L. Worthing, Augusta, Maine \$33,494.50; Vice President, Robert F. Scott, Augusta, Maine \$30,854.; Assistant Vice President John B. Rendazey, Augusta, Maine \$30,083.; Assistant Controller, Robert S. Howle \$21,614.47; Assistant Treasurer, Gerald G. Beverage, Augusta, Maine \$21,163.40. Now we have the Directors: George E. Bass II of Wilton, Maine \$2,700. Salary Fee; Priscilla A. Clark, Falmouth Foreside, Maine, \$3,100.; Nevius M. Curtis (he's already up there above for a salary) \$1,800.; E. J. Dufour, Skowhegan, Maine \$2,900. We come to our great prize, Mr. Dunham again, \$3,000; Leon A. Gorham, Freeport, Maine \$910.83; Hubert H. Hart, Portland, Maine (he's retired) \$1189.17; Charles L. Hildreth, Portland, Maine \$3,500; Bradford H. Hutchins, Waterville, Maine \$3500.; E. Clifford Ladd, Rockland, Maine \$3300.; Henry W. Mertens, Augusta, Maine \$600. (He's retired); Charles F. Phillips, \$3200.; Carleton D. Reed, Jr. \$3100.; Elwin W. Thurlow (he's already up above here for \$51,000, \$2400.; James H. Titcomb, Sanford, Maine \$3300.; Steven D. Trafton \$3100.

Now, ladies and gentlemen, I have a reason for reading this, it is a selfish reason. I just got my light bill the other day. It is \$101.00—that's a corker boys, surcharge \$25. on some power bought from Canada, generated possibly by the water that flows down the little river up here in the State of Maine and I think its wonderful we have got 57 dams in the State of Maine, we have got 27 of them with hydro facilities and they are not generating any power. Now, I have some crocodile tears to shed but I want to shed them for George Carroll and that \$101.00 light bill. That's the guy I want you to cry for because I meet a lot of old people that don't have a business like I have to pay their bills and they are getting socked and that surcharge is that little jewel that I really love. I've got a bill in that's coming up for a five member Public Utilities Commission and I hope to heaven you will support it.

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

Mr. PALMER: Mr. Speaker, Members of the House, I certainly want to thank the gentleman from Limerick for giving us all the information on the salaries of the officials of the Central Maine Power Company and sympathize with him for his \$101.00 light bill. I think the salaries of a corporate group have no part in this at all — they have very little to do with the

argument this morning. It is the old story of the schoolbook all over again and whatever we can dig out on someone that is fine. If Mr. Carroll, however, wants to dig deep into the records and find out how much this corporation is making, net return on their investment, and how much they are allowed to make, he will find that he is way off base but this corporation still is making less than they are allowed to under law and I'm worried about it because I don't care whether we have Dickey-Lincoln or Passamaquoddy or anything else. We have an energy crisis. We have work to be done in this State and we can't just use these people as whipping boys forever and ever. It is the most popular subject in the world to bring up the Central Maine Power Company in this House. Rally the troops around, carry the flags, it's beautiful — they don't vote, so I appreciate that.

Now, I put this Order in and I got the reaction I wanted. The reaction was, that what we said the other night was pure fakery, that we actually did, the other night, find ourselves in a financial mess and the little machinations took place in the various cubbyholes and we have come up with what we are going to have for money and I asked more than once, why \$250,000 for the town of Wiscasset and the answer I got was, the "only" one was, well, it was more than the largest figure below it. I submit to you, that is really serious, down-to-earth thinking, that is great work on how to subsidize an education subsidy bill.

I said a few minutes ago, I will say now, it is wrong and I am going to say this too, I am not related to, I don't have any money in, or anything else, I would do the same thing for Joe's Corner Grocery. It is wrong, what we have done and what we are doing but now that I know how we feel about all these things, now I know how we can vote sometimes with tongue-in-cheek and say "well, let the consumer pay it" but when it comes time, we go the other route.

Thereupon, Mr. Palmer of Nobleboro withdrew his Joint Resolution.

On motion of Mr. Carpenter of Houlton, the House reconsidered its action whereby Bill "An Act to Authorize the Appropriation of Funds for Full-time Community Administrators," House Paper 919, L. D. 1132, was indefinitely postponed.

The SPEAKER: The gentleman may proceed.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill on full-time county administrators which was indefinitely postponed yesterday, was held at my request after consultation with the gentleman from Skowhegan, Mr. Dam and the gentleman from Biddeford, Mr. Farley, We have worked out, I think, all of the major questions in this, so I ask that we back it up and let me put an amendment on it, so I would ask that you vote for reconsideration of the indefinite postponement of this bill.

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

Mr. FARLEY: Mr. Speaker and Members of the House: I would ask you to go along with the gentleman from Houlton, Mr. Carpenter. The changes he has, we are all agreeable to, I think.

The SPEAKER: The pending question before the House is the motion to indefinitely postpone. If you are in favor

you will vote yes; those opposed will vote no.

A vote of the House was taken. 22 having voted in the affirmative and 74 in the negative, the motion did not prevail.

Thereupon, the Committee Report was accepted, the Bill read once.

Committee Amendment "A" (H-307) was read by the Clerk on motion of Mr. Carpenter.

Mr. Carpenter of Houlton moved that Committee Amendment "A" be indefinitely postponed.

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

Mr. CAREY: Mr. Speaker, I hope that we do not indefinitely postpone anything in haste here. We will be around tomorrow and the next day and the day after that, so whether this bill is put in a position tomorrow or the next day or the following day, there is no big rush and I would certainly hope that somebody tables this thing because I would like to have a chance to study this amendment. It appears to me that we may be getting into county managers.

Thereupon, on motion of Mr. Carpenter of Houlton, tabled pending his motion that Committee Amendment "A" be indefinitely postponed and tomorrow assigned.

(Off Record Remarks)

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Increase the Veteran's Property Tax Exemption," House Paper 1174, L. D. 1172, the Chair appointed the following Conferees on the part of the House:

- Messrs. CAREY of Waterville
- MULKERN of Portland
- FINEMORE of Bridgewater

On motion of Mrs. Najarian of Portland. Adjourned until nine o'clock tomorrow morning.