

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, June 26, 1975

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

Prayer by Representative Raymond N. Faucher of Solon.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Abolish the Defense of Sovereign Immunity in Certain Situations" (H. P. 1297) (L. D. 1568) ask leave to report that they are unable to agree.

Signed:

Messrs. HENDERSON of Bangor
GAUTHIER of Sanford
PERKINS of South Portland

— of the House.

Messrs. MERRILL of Cumberland
BERRY of Cumberland
PRAY of Penobscot

— of the Senate.

Report was read and accepted and sent up for concurrence.

Orders

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage: (H. P. 1776)

WHEREAS, there are more than 100 policy-making and policy-implementing positions in State Government below the level of commissioner, including deputy commissioners, directors, executive directors and bureau chiefs; and

WHEREAS, at present there seem to be marked inconsistencies in the qualifications for appointments to these various positions, in the length of terms which persons holding these positions serve, in whether or not the terms of these persons overlap the terms of the commissioners under whom they serve and in whether or not these persons serve in the classified or unclassified service of the State; and

WHEREAS, it is desirable to have a consistent legislative policy to resolve the above inconsistencies; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council, through the Joint Standing Committee on State Government, be authorized to study the inconsistencies listed above and to determine a consistent policy concerning the qualifications, length of terms, time of appointment and position in the classified or unclassified service of the various deputy commissioners, directors, executive directors and bureau chiefs of State Government in order to promote efficient, responsible and responsive operation of State Government; and be it further

ORDERED, that the Council report the results of its findings together with any proposed recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

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

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

On Motion of Mr. Albert of Limestone, it was

ORDERED, that Wayne Kennedy of Gray be excused for the remainder of the session due to health reasons.

Orders of the Day

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

An Act Increasing the State Gasoline Tax. (H. P. 1055) (L. D. 1332) (Emergency)

Tabled — June 25, by Mr. Rolde of York.
Pending — Passage to be Enacted.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: Somebody asked me yesterday why I agreed to sponsor such an unpopular bill. My answer was, only half of it was unpopular, the popular side is the services provided by this and the unpopular, of course, is the cost of it.

What I am going to try to do is convince two thirds of the popular side. Some of the remarks made here last week indicate to me that there are those who don't quite understand the reason for it. I am going to use a simple example. Let's say that several years ago a family lived very well on 100 percent of their income, they were even able to save money, things were going along fine. Then came the year when a three percent inflation hit. They still did fairly well. They didn't notice it too much. They did cut down a little on their standards, but year after year, that three percent or four percent or five percent kept coming and then there came a time when it eliminated the savings and began to cut into their standard of living. It was decided then that they needed more money in order to keep up with the higher costs of living. Now, that is a simple example but the Highway Department is faced with the same thing.

The last time the tax was increased, there was two cents asked, this was in 1971, and they were granted one. Now they are asking for another one and even that one is not enough to maintain the standard that we have a right to expect from our Highway Department. Without it, services will have to be curtailed drastically. As a matter of fact, this morning, orders went out to cut back 25 percent on their resurfacing program and it will stay that way unless their department knows there will be money enough to pay for it.

Some of the remarks made last week also were that if you put this one cent on it will stay on forever. Well, I will make one promise, that just as soon as the cost of asphalt tar comes back from \$75 to \$25 and as soon as diesel oil comes back from 180 percent down to 100, the cost of gasoline comes down from 150 or 60 back to 100, the cost of truck tires and equipment for highway maintenance comes down to what it was a year or so ago, I will come back here and personally sponsor a bill reducing the tax, if I am still alive.

The reason for the increase, of course, all I can think of is a body of water. You can't increase that body up on one side with out eventually having it also coming up on the other side. This other side is what I am talking about this morning and this one cent increase in the gas tax will not be sufficient to do what should be done, but I am going to ask you to go along with it. Believe me, I am sincere in this issue, were I not, I never would have agreed to sponsor it.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think we are down here now to the final moments of this 107th regular session to this highway problem. I want to take just a second or two to just outline the problem because the highway allocation act, as we have it on supplement number one item one needs, if it is to stay the way it is, approximately \$10 million. You remember that it originally was underfunded by about \$5.66 million or something like that. We have additionally put back in the snow removal and the general town road improvement money, so we now have a \$10 million problem and there are three ways, really, to solve a \$10 million problem. One, to pass a one cent gas tax or, two, to pass both the fee bill and the registration bill or, three, to go home and leave it underfunded by \$10 million and suffer the consequences as far as the highways are concerned.

I personally believe that the third alternative is irresponsible. I think we all realize that we cannot go on that way, so we now have come to the point, right now, of biting the bullet by saying we are either going to have a tax or two fee bills.

I am just outlining the problem, I think we have discussed this thing over and over again, I think there is nothing much we can add to the arguments pro and con on whether we do one or the other. I think we should try this morning as best we can to have a minimal amount of debate and move this thing along knowing full well that we have on our hands a \$10 million problem and the first opportunity we have to solve that problem is in this measure we have before us now, which requires 101 votes in this House.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I, too, recognize some problem in transportation but I think they want more than status quo. In this \$10 million, there are extra things they are asking; in other words, they are not satisfied with status quo. They also are not telling you about up in the estimates. Now, this would be a very reasonable thing to do, based already on what we've had so we can find out from taxation. The estimates should be up because it looks like a good summer, we have got plenty of gasoline and so obviously we are going to sell a lot more gas than is anticipated at this time. However, we probably should have some of these fee bills other than the gas tax and I would tell you why.

The legislature in the past, as well as now, was able to up or down on the fees, but you put the gas tax on and it's on forever, for your grandchildren and their grandchildren, but the fees, since my tenure here, we have cut the fee on registration from \$18 to \$15 and not too long ago, so this wouldn't feel bad to put it back to \$18, and some of these other things like trailers and stuff haven't been raised for many years, as we were told here the other day, it is 20 or more years, so I think it is time they were raised anyway.

I hope the course we take would be to increase fees in registrations rather than put a gas tax on because we have control of that here in the House. If the economy of this nation changes within the next few years, we can do something about the fees but you'll never be able to take a gas tax off once it is put on. So there are two or three things that I would like to impress upon you. I would like to have this committee up the estimates a little and they would be reasonable in doing so.

because I am sure they will be up. And the other thing, don't let them tell you that this is status quo because they want extra things. They are not satisfied with status quo in that department. They want more things than they have had in the past, and I was satisfied with the service we had last year and the price of tar, or asphalt so to speak, went up last year not this year. We coped with that last year, in the last biennium, so it hasn't gone up again any great amount. We already coped with the problem two years ago.

I would like to leave you with just this thought, up the estimates, maybe we could pass the fee bill. I would like to, I think it is time it was, or the registration fee, but I hope we do not pass the gas tax for that very reason and it is there forever and a day.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago, I took the same stand I am going to take this morning. I am going to vote against this gas tax. If you vote for this gas tax, you are going to have the highest gasoline tax in the United States. If you look around and see who is pushing this gas tax, it is the Maine Good Roads Association, Maine contractors who want to build roads. They told us last year we needed this money. We killed this bill two years ago and the show went on just the same, everything was done all right. The roads were fixed up. They have got plenty of money to do it down there. We can hear all kinds of things. We have heard this over the years so many times, so I am not going to debate this any more. I just hope you don't go along with this.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I feel I would be remiss this morning if I didn't have a few words to say on this. I feel that the gas tax is a regressive tax, it hurts those who can least afford to pay it and I think in times of spiraling inflation on every other product that we know, that adding an additional cent to the gas tax is irresponsible. I don't think the people of the State of Maine wanted it. When they elected Jim Longley, Governor, it was clear that he didn't want any new taxes and they elected him overwhelmingly. I am not going to kick the people in the teeth by passing onto them a gas tax which is regressive during these times, these hard times. If times were to get better, come back in the special session, I might consider it, but I don't think that this time is the right time, with everything else going up, especially the overall price of gas, I don't think we are going to do them one favor by adding an additional cent.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: There seems to be some discrepancy in some of these figures that I see. I talked with some of my people back home this morning and they are in favor of raising the tax one cent because of this reason; while you justify from paying for gas from 54.9 up to 63.9 for the same type of gas that you put in your car, who is going to know the difference in the cent? I think the people in Maine if the state highway needs it, that is the way to put it.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I think, as far as I'm concerned at least, the need for additional funds is pretty well established and now, as I see it, it is just a matter of determining the source of these funds. I had indicated on the questionnaire that this is my second choice, and I would like to know what the status is of the registration and the fees bills.

The SPEAKER: The Chair would announce to the gentleman that they are following next on your calendar on the tabled and assigned matters.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago when we debated this issue, I was a member of Mr. Peterson's legions, and I fought just as vociferously as he did against a gas tax. I see some change in the situation since then. Two years ago, at least my feeling was that this was a question of expanding the department. Today, the question is of restoring cuts.

The Governor's budget basically calls for reduction of \$10 million in the highway budget; \$5 million in the budget itself and \$5 million that has been removed in town road improvement and snow plowing funds, and this deficit of \$10 million will remain even if we move the town road improvement and snow plowing back into the budget. So the choices, and they have been outlined for you are simple. We can go with the \$10 million cut, we can raise the fees which are basically paid by Maine people or we can go with the gas tax, a good part of which is paid by out-of-staters. These are very disagreeable choices to make. I don't like a gas tax. It is, as speakers have said, regressive, it is certainly unpopular but I will go along with it as the least unpalatable of a number of unpalatable choices.

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

Mrs. POST: Mr. Speaker and Men and Women of the House: I would like to pose a question through the Chair if I could. Since we all spent some time in filling out those questionnaires, I was curious as to what the results were.

(Off Record Remarks)

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

Mr. QUINN: Mr. Speaker, Members of the House: There are a couple aspects of this question that have not been addressed in any of our previous debates nor this morning and I want to touch on them.

I would support an increase in the gas tax for several reasons. We have heard, for example, that this tax is regressive, but I think by definition we can agree that the term 'regressive' means a tax that acts disproportionately upon those who cannot afford to pay. I think we can all agree that transportation, automobile transportation, is a fact of life and a necessity for the poor people of the state, but let's take a look at just exactly how regressive this is.

If we assume that a working man works 250 days a year, that is 50 weeks at five days a week, that he lives 10 miles from his work and he never shares a ride, he would be required to drive 20 miles a day. For simple math purposes, if you assume he could have an automobile which would produce 20 miles a gallon, he would use 250 gallons of gas. That will cost him \$2.50 this year for the amount of transportation it is necessary to have; in other words, the

regressive portion. If you put a fee on his automobile of \$3, you are being still more regressive because you are charging him an extra 50 cents for what he needs to provide his form and his way of life with.

I don't think that gasoline needs for this class of people to do such things as to go for recreation or go for drives or have hot rods or allow their children to go to the movies is a properly sustainable item by the tax structure of the state. I don't think that we should subsidize transportation for recreation purposes any more than we should subsidize boats or movies or automobile races or clothes or any of the other good and enjoyable things of life we would like to have. If people wish to use these facilities for things other than their work, then they should be made to pay their own way and it is a fact of life, as Mr. Rolde just said, that transportation systems based on automobiles in our state do not pay their own way.

In my small town, we are spending nearly one-quarter of a million dollars this year to maintain our local highways and we are spending that from property taxes. By any stretch of the imagination, this has to be considered to be a subsidy for people who wish to live and drive their distances from work and wish to use automobiles for all of these purposes, and I think that any step we make toward increasing the tax to a level where we accurately begin to reflect what the automobile is actually costing us is a step in the right direction. It educates us as to what we are using in the way of a natural resource, it helps make us less dependent in the long run upon foreign countries, it will encourage us to use automobiles that produce better gas mileage; it will encourage us to practice all forms of economy, which in turn will result in the lesser use of this finite resource of which we have so little and which is so expensive.

Finally, one point which is tangential to Mr. Fraser's remarks, six years ago gasoline was 29 cents a gallon and the tax was 9 cents. At that time, the percentage of the gallon of gasoline you brought, 34 percent of it was in tax. Today, with gasoline, and I use for a figure this morning 54 cents a gallon, that same tax is only 17 percent. We are only taking one half as much in percentage from the people of Maine for the purpose of this tax now as we were six years ago. If you add this penny, we still are taking less than 20 percent of the money they spend for each gallon of gasoline. I know if you ask the question to the average person, "do you want to see taxes go up," he will say no, "do you want to beat your wife," he will say no; but if you put to them the hard choices that we have to make, if you put to them the fact that we are taking a great deal less of his dollar in gasoline taxes, even with this proposal, than we were six years ago, if you put to him the economies that are represented in this and you put to him the alternatives, I think there would be overwhelming, automatic approval. This is a measure of good sense and I recommend that you support it.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: In answer to the question of Mrs. Post from Owls Head, we had about 90 or so responses to our questionnaire. The first option, 15; second option, 4; third option, 12; fourth option, 11; fifth option, 41. There are a few who favored fictitious option 6, and four or five

who won't vote for anything and, Mr. Speaker, I request a roll call.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief on the question of the gas tax this morning. After listening to the gentleman from Gorham, Mr. Quinn telling about putting this to the people and putting that to the people, I don't know about the people in Gorham, because those are his constituents, but I do know something about the people in Bangor, or at least a fairly good portion of them, and they are sick and tired of us standing down here and putting it to them. As far as the one cent gas tax is concerned, or other taxes for that matter, when it comes to the ability to pay, a few pennies to the people of Gorham may not mean anything but a few pennies to the people that I come down here to represent means a lot because of the economy that they are living in. And I might suggest that the highway department is no different than any of the other departments we have had in this state insofar as tightening the belt.

I haven't heard James B. Longley suggest a tax increase for gasoline and this is his department like all the other departments are and I haven't seen any letter from Roger Mallor on my desk urging this House or the other Body in supporting a gas tax and I know I am not voting for a gas tax. They may not be building as many roads as we would like to see built, but I suggest that they can perhaps, and the highway transportation committee is a very capable committee, can rearrange their accounts to operate the state highways in a manner and fashion for the funds that are available, but you can put this question to them, Mr. Quinn, or you can put that question to them. One thing they don't want put to them, is any increase in the gas tax. We can't do anything what the Arabs are charging us here for oil, but we can certainly do something about what we do when it comes to taxes.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I am almost tempted to go over to Gorham when Mr. Quinn gets home and take my family budget over, because I have talked with Mr. Quinn several times about things relating to massive columns of figures and I am always amazed at what he comes up with, and some of the things he has done with columns of figures are just unbelievable. He has convinced me that black turns white and I can remember discussing an item not long ago when he had me convinced that probably we didn't even need a Kittery liquor store. It looked fine on paper, except that I guess I believed that it really couldn't work out that way. I think he is giving you a good example of how you can play around with percentages and so forth and it really does look reasonable. He does a masterful job at that.

I think probably, though, and Mr. Hall asked the question, "who is going to notice the cent?" I can tell you who is going to notice the cent; the person is going to notice the cent increase that is working in the factory. The minimum wage hasn't gone up that much, although everything else he is purchasing has gone up and I mean everything from a loaf of bread to shoes, booze, the whole of it and that person is ending up, every week that he is

working, five or six or seven or eight dollars in the hole and there is just no way he can balance this thing out at the end of the year. Now that person notices a one cent increase. He would notice a half cent increase.

All of the states in the nation have the same problems that Maine has. They don't buy asphalt at cheaper prices than Maine does or anything else connected with highways. Are they increasing their gas taxes? I haven't noticed too many of them doing it. If they did, probably they would be catching up with the State of Maine and maybe we wouldn't be the highest in the nation.

I think probably there are other ways of going about this and I can tell you this, I have discussed it with a good many people in the area in which I live and while we are being offered two or three different alternatives, there is still one more, and this is the one that people suggest to me. They say, we don't mind riding over highways that aren't number one for another couple of years, or three or four or whatever it takes. We don't mind cutting back, we have cutback on everything else. We have cut back on the grocery budget. I can ride down a little rougher highway if I have to, and I would suggest that that might be a fourth alternative and I hope you would defeat the gas tax.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a lot of debate here and I wasn't going to get up to say anything today but sometimes everybody says something that I have to get up and say something about.

First of all, we have mentioned a lot of things about this gas tax, but how many of us have had a report from a department head "don't give us any increase, we will do the best we can with what we've got." There hasn't been any. Tell the department heads they either do the best they can with what they have got or we will get someone in there who will do the job and you will see them do the job.

Now, when they talk about an increase in taxes, this is an increase in taxes, and Mr. Kelleher hit it right on the head, if you were listening. The Governor said there would be no increase under his administration and yet we have sat up here and we have spent money foolishly. I was opposed very much to sending 11 people of this legislature to a conference that won't amount to a thing for the people of this state, in my opinion. I went downstairs to see how much it was going to cost and he couldn't even tell me how much it was going to cost so I didn't say anything. I took a walk when it was debated so I wouldn't get up. I left my seat purposely and I can go on and on and on and tell you the things that we have spent money foolishly for in this state, in my opinion, and this is one of them. We have increased and we have spent more money in this legislature than any legislature that has ever been here, and that is something that I'm not proud of because I happen to be a member of the 107th Legislature whether you people or anyone else in this state like it or not. I still was elected by the people. And we have spent money, and when we go back home and say to our people, have we done the very best that we can, I want to say to them, "Yes, in my heart, I did the very best that I could do for you." To come up here and spend money, increasing this and increasing

hunting licenses and we have increased everything and we gave the lowest working paid people in this state 20 cents an hour more, why, we gobble that up in three weeks of legislation, he won't even have that to put in his pocket when we get done with it.

You people who live in these cities and towns in Maine, the tourists are going to be long gone when we need them and need their tax dollars on gas. They're not coming up here in zero weather, they're in Florida or in places where they can enjoy life, they don't come to Maine. They only come to Maine two months out of the year and I believe that if the people of this state are going to have to pick up the burden and live in here and enjoy the summer, then they should be able to do the same thing in the winter time but that's not the way it is run, unfortunately. I would like to see things a lot different like the Criminal Code, I wasn't satisfied with that.

The SPEAKER: The Chair would ask the gentleman from Westbrook to please restrict his remarks to the bill that we have before us, unfortunately, we don't have the Criminal Code in front of us.

Mr. LAFFIN: Thank you, Mr. Speaker, I still have the floor, Mr. Peterson.

The SPEAKER: The gentleman may proceed.

Mr. LAFFIN: I am not going to say any more about this bill, but I urge you people to consider this very seriously. We have taxed our people, you know it is awful easy to spend other people's money and I think that, in this legislature, we should have a little concern and a little consideration for the people who pay the bills. They pay our salaries to be sure but they pay salaries of everything else and I think we would be doing the people of the State of Maine injustice to give them any more increases whether it is a gas tax or anything else and I would urge the members of this House not to put 101 votes on that board and go back and tell the people "we have tried to do the very best we can for you up there, we might have made mistakes" and I have made mistakes and I would be the first to admit it, but at least we're trying and that is more than department heads are doing.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have been wrestling with this situation even up to a few minutes ago and I called a couple of my colleagues from my community to discuss this situation and as I listened to the debate that unfurls, I am not afraid to face up to my responsibility and I think it is my responsibility, I'm fully aware of the fact that a gasoline tax even though it would plunge us into the highest in the land would bring us \$10 million over \$4 million of, which would be paid for by the out-of-state tourists and \$6 million that would be paid for here vis-a-vis tax on a bond issue which would be paid for in full with the interest out of people of this state.

However, I am also aware of the fact that next Tuesday morning, I don't have the count, but it will be quite heavy of people who are state employees who will find themselves out of work. I have received at least 20 phone calls and I have had at least 35 letters to the effect and I would be delighted to keep these people at work, to bring more services to vote on the undedicated revenue for operating expenses for major tax or minor taxes that would fit the bill. I don't mean all minor taxes but some of them and when I talk about a major tax, I talk about the

corporate and the personal income tax.

I think probably what made up my mind was beginning last night going home with my good friend from Auburn, Mr. Drigotas, and he pulled up at a gasoline tank and there was no price. So the gentleman from Auburn, Mr. Drigotas called for ten gallons of gas and he was given \$3 and some change and that's when we found out that the price was 69.9.

Now, unfortunately, we had a bad train wreck in another part nearer New Hampshire and at two o'clock this morning I had to have gas to keep going, 64.9; coming back, dropped over about 5:30 in the morning around the area of South Paris and Norway, I think it was 59 and back at Auburn at Jimmy's Diner, 51.9 and that somewhat aggravates me and I know that I've had here and all of you have been talked to by distributors and dealers, there is a man here who is a distributor, who in my opinion, is one of the finest men that I have met, and one of the finest men I have served with in this legislature, but you know, I would kind of like to wait and I don't always agree with my young friend from Windham, Mr. Peterson, but what I would like to see done is this, somewhere along the line, we have spent millions and millions and millions and millions to listen to rhetoric about Watergate and something that is already done. They got the money, who the hell ever got it, I could care less, I'm sorry Mr. Speaker, somebody got it and it's done away with and we have gone through this scandal and now the guys that were serving on the committee, they have gone into hibernation. Gurney is up for his licks; nobody ever hears of Howard Baker, and I don't know somebody here might think of running for office on a Watergate issue, he'll do well doing that and Sam Ervin, he's gone into retirement. I wonder when we are going to pass a Resolution here and get to the other states in New England — where was the Governor's Conference, if they don't want to go along with these programs about a complete and thorough investigation about something being done about the gouging that the tourists are getting.

I can recall only last week when we were coming up from Lewiston, within 40 feet of one another, the differential on gas was four cents a gallon. Now, what is going on and I've made up my mind now, until I find out what's going on, until somewhere along the line, they've been taking a cut at politicians, wheeler-dealers, professional politicians and everything else, well I would like to take a look and see into the area of some of these people here who are doing the business as far as that is concerned within the gasoline industry. Somewhere along the line, we are being hoodwinked, somebody is clipping somebody and I would like to know what's going on.

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

Mr. MCBREAIRTY: Mr. Speaker, Members of the House: We have passed many bills to protect the health, happiness and welfare of the people. I can't think of anything that will protect the health, happiness and welfare and safety of all the people more than the maintenance of our highways. The price of cars and trucks has nearly doubled in the last few years. I feel it will be penny wise and pound foolish to neglect the maintenance of our highways and pay it out in repairs on our cars and trucks and risk the safety of our people by

traveling on roads full of pot holes and poorly plowed and sanded in winter. I'm sure Roger Mallar has cut costs in many areas of the Transportation Department, I'm also sure that with the high cost of gasoline, equipment, tar, repairs and many other items that without extra money, it will be impossible to maintain our roads even at present conditions. In my area, poorer conditions will be almost impossible to live with, I urge the passage of this bill.

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

Mr. CALL: Mr. Speaker, and Members of the House: I have given this proposal a great deal of thought and I feel that I must oppose this bill and I am reminded of a story as the result of something that my good friend from Buxton, Mr. Berry said.

As a member of the City Council in Lewiston, I was urged strongly and knew myself from having traveled over one of our main arteries that it needed to be rebuilt. It was just loaded with holes, so after the street was repaired it was election time, campaign time, and while going house to house which is my wont, I went to one house and a friend of mine says, "Oh, George, I don't want to appear ungrateful but since you have this new road put out here, I can't sleep at night. My bedroom is right there and I live in constant fear that the speeding cars will come right into my bedroom. That was impossible before, it was so full of holes that they had to keep their speed down". Well, I give you that story for what it is worth. The man wasn't joking, he really meant it, now I don't want to say that I don't like good roads because I'm still plugging for good roads but I will finish with what I said at the beginning, I'm opposed to this tax increase.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen: I will make my speech this morning very short although I could talk for the next hour on this subject.

I am a member of the Taxation Committee, I had originally signed the "Ought Not to Pass" Report but when we discovered the situation, we discovered the plight that the department and so forth was in, I changed my vote, therefore, I am going to vote for this this morning and I have two or three real good reasons. One good reason is the fact that I talked with some of my town officials in the town of Jay just this last weekend, in fact, one of the selectmen called me himself and he said "I want to congratulate you on the work that you have been doing in Augusta." I thanked him and said "now, what do you want?" I was sure he must want something, he said he didn't. I said "well, how do you want me to vote on the gas tax?" He said, "you are the man who is down there, we trust you, you make up your own mind." I have made up my own mind and I am going to vote for this gas tax. Another good reason is the fact that in the State of Maine, we had more miles of road per capita than any other state in the union, so I feel we are justified in doing this, very much so.

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

Mr. INGEGNERI: Mr. Speaker and Ladies and Gentlemen of the House: I am up on my feet today to prove to you that there is no such thing as an automatic conservative or an automatic liberal. One of our distinguished colleagues has made a

very interesting study and he has come up with a tintype of each one of us. I suppose according to his tintype, as soon as Mr. Peterson said "regressive tax" a fellow like me should have been against it just as Pavlov's dog began to react to stimulation which no longer existed.

I rise to tell you that after wrestling with my conscience and wrestling with whatever smarts I have, I have come to the very reluctant conclusion, I admit it, that I will vote for this gas tax increase and my reasons are this, I have looked at the two bills, the fee bill and if you put them together and they very probably would have to be both voted if this particular bill was not voted, it would come out to something like \$6, to \$8, perhaps. If you take the gas tax increase and you take someone who travels as much as 15,000 miles on an average of 15 miles per gallon, the cost would be \$10.

We have a gentleman on the second floor who has achieved an illusory balanced budget with a little bit of our help. He has arbitrarily cut services, where he has cut services in the field of human needs, I believe, I strongly believe this, that 101 members of this House would have been ready to vote an income tax increase to meet those needs. Where we are in the area of highway safety, highway construction, we do not have that vehicle, unfortunately. We have a vehicle of dedicated tax and I say to myself, if in good conscience, I was ready to vote for an income tax increase in order that we repair the irreparable damage which he did to human services. I should be just as ready to vote for some kind of a tax to repair the irreparable damage he has done to the Highway Department. I look at it another way, the \$6, or \$7, or \$8, which we would raise from the fees increase would generate no dollars but this one cent tax increase will generate three, four times, I don't know how many, I don't have the figures, from federal funds and these federal funds would be very much needed and could be put to very good use. So on the basis of simple arithmetic and on the basis that I'm ready to take a sacrifice either in the income tax increase or a small dedicated tax increase, I am going to vote for this gas tax increase and for whatever my vote is worth, I urge you to do the same.

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

Mr. STROUT: Mr. Speaker and Ladies and Gentlemen of the House: We've heard a lot of discussion this morning concerning what the Department of Transportation does and what they don't do. What I have to say this morning, I'm going to speak in absolute confidence that I believe that the State of Maine is fortunate in having one of the most able commissioners in the United States as far as the commissioner of transportation. I think it is very plain to me, and it should be to the members of this House that Roger Mallar has tried with limited budgets to provide as necessary a program that he's been able to and which he has submitted to us, that he would like to do in the next biennium.

Last week there were a couple of questions brought up one from the gentleman from Windham, Mr. Peterson, "where does the revenue come from?" and I'm going to take the time this morning, very briefly, motor fuel taxes bring in \$98,800,000. Licenses and registration, \$35,012,950. Others which include interest, inspection fees, permits and fines \$4,109,594. Now the additional revenue that we need to fund the budget, we have four

bills on the Highway Appropriations Table at the present time, one is on the state police services that the Department of Transportation is going to receive from the Maine Turnpike for the services that we provide. We have a bill on there of overlimit fees which brings in \$150,000 and issue plates on trucks which brings in \$9,000 and truck weights \$120,000. Now to balance the budget, that we originally reported out of committee, we would have needed the motor vehicle fee bill. With the amendment that is tied to the Highway Allocation Act, today, we need additional \$5 million. I'm going to vote for the increase in the gas tax to fund this program that is included to those people that were concerned in the last two or three weeks, the town road improvement program, the winter maintenance on town ways, the special state aid program, also the program to give the markings for the builtup towns of 5000 people, an additional \$100,000 for bike ways.

I also want to take this morning to thank the good gentleman from Herman, Mr. Littlefield happened the day before yesterday after the Department of Transportation to ask a couple of questions that were raised by some of these members on what has the department done in the last few years to try to cut down on some of their programs and I feel it is imperative to me to read two paragraphs. "The Department has made a conscientious effort for an extended period of time to maintain the minimum number of employees necessary to carry out the department's operations. The department has been able to reduce employment and maintenance and state aid activities from 1466 employees in June of 1960 to 1192 in June of 1973, a reduction of 274. This has been possible despite an increase in the miles of maintenance responsibility within the departmental programs by 550 miles in the summer and 330 miles in the winter with the increased mileage, in each instance, including 160 miles of four lane divided highway. Incidentally, we have also been able to hold the line on the total number of state private trucks involved in these activities over the same time period. More recently as a result of some decrease in activity in our highway improvement programs the department has reduced the number of engineering employees significantly. As a matter of fact, the engineering staff of the department is at its lowest level in over ten years with over 100 fewer engineering employees than three years ago and in excess of 50 fewer than only one year ago. When also considering some seasonal employees during the peak summer construction period in July 1974, the department employed 208 fewer engineering classification employees than in July of 1971, a reduction of 24 percent. Additional reductions in engineering employees have been accomplished since last summer and fall through attrition as we are not hiring engineering employees at this time nor have we for many, many months but I do not have an exact figure available this morning as to the total reduction. Finally, I say to you and to the members who are not increasing any taxes at this time, if we vote against the gas tax today, when you taxes at this time, if we vote against the gas tax today, when you leave here this week and go home, there are going to be towns in this state that, if they have not sent out their tax bills, will be calling special own meetings to raise additional funds for

their necessary programs and if they have sent out their tax bills, they are going to be faced with borrowing money to take care of their existing programs and I urge you all to vote for this bill today.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I did have a question but it has been answered, however, I might make a remark or two.

I believe that Mr. Laffin was a little inconsistent in that he spoke quite eloquently about a road between Westbrook and Portland a few weeks ago.

I don't know whether Mr. Kelleher backs the Bangor-Brewer Bridge, or not but we've heard some talk about that in the papers too.

I believe that increased traffic creates growth and, therefore, will increase the tax base of your towns and I'm going to vote for this increase.

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

Mrs. BERRY: Mr. Speaker and Members of the House: There has been a question asked on the floor of the House this morning which I would like to answer and, that is, where is our good commissioner with information on our desks about this? Mr. Speaker and members of the House that were here in the last session, I think you can remember that the commissioner did put information on our desks and was also asked to come in here for an information meeting and questions and answers. This was met by anger and concern by many people and I believe, perhaps, one of them was the member of the House who asked this question this morning.

It has also been said that a gas tax is here to stay, I hope that our roads are and I don't believe they will be if we don't get the necessary funding to do this. What puzzles me also, is that just a day or two ago, we passed a large bond issue and this is going to cost us over the next ten years, between \$11 and \$12 million in interest. This is deficit spending. Perhaps we should have added a sixth alternative, Mr. Speaker, to the papers that you passed out, adding the \$5 million more to the bond issue and I think it would have gone through with flying colors. This is not the only interest we are paying on bond issues which I say again, is deficit spending. We are also paying on bond issues we have passed in the past ten years. You can see what we are spending out for interest. The gas tax is a pay-as-you-go program and I think this is the way we should be heading. This gas tax also develops jobs in which there is very great necessity today. I hope, Mr. Speaker and members of the House that we will have a majority 101 votes when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: This is my third term in the legislature here. The first term I served on the Agriculture Committee and I recall that we had a gas tax and I was strongly opposed to it, strongly opposed to it, and I voted against it.

The last two sessions I have been on the Transportation Committee and being on that committee and having a chance to look at the whole thing, look at the magnitude of the problems, I've changed my mind. I'm going to support this and I

agree with the good lady from Madison, Mrs. Berry that this is a pay-as-you-go deal on this gas tax and also on the bond issue, it is deficit spending. We are passing something along to our children and to our grandchildren, this way we are paying as we go and having people help us.

The gentleman from Corinth, Mr. Strout told us where the money came from and I'd like to quote just a few statistics and what we do with it. The State of Maine has 21,499 miles of road of which 11,800 is state administered road which is more state administered road than New Hampshire, Vermont and Massachusetts have combined to administer and those states, with the exception possibly of New Hampshire, probably have more gas tax to work with than we do, so today I would hope that you would support this pay-as-you-go deal on this gas tax.

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

Mrs. KANY: Mr. Speaker and Members of the House: The President of the United States still has in effect his \$2 tax per barrel on imported oil and we read in the newspapers this morning that world oil prices have increased by 400 percent, since 1973. Of course, this is primarily due to the Oil Pact Organization of Petroleum Exporting Countries cartel and since we are particularly dependent on foreign oil here in Maine, I just don't think it's fair to ask the people of Maine to pay an extra tax on a petroleum product. We are highly dependent on highways for our transportation and I plan to vote for the increase in motor vehicle registration fees instead of the gas tax.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the gentleman from Westbrook, Mr. Laffin, on two or three different statements that he made. In 1969, when we left legislature, Aroostook County was awarded \$2,200,000 for roads in Aroostook. We are only a small county, 205 miles long and 105 miles wide and they took \$675,000 of that away from us to survey 95. That same year, I would like to tell the gentleman that Westbrook and Portland had \$89 million awarded them for construction \$89 million against Aroostook's less than \$2 million. I would also like to remind him, he said we gave them a 20 cent raise on salaries and that we didn't give them anything back. Ladies and gentlemen of this House, this year we have done more for the middle class and the low income class than we have done for a long, long time in this legislature and I'm very, very proud of it. In this supplemental budget we upheld here yesterday and I thank everyone for doing it, we gave them more than they have ever had in Aroostook County or in the State of Maine. It seems as though we are doing more and more every day and you take today on the roads if they are poor, if there are potholes and reminding me, speaking of potholes, there's a map which Mrs. Mitchell from Vassalboro drew for us the other day to show us how to get to her house, and showed the potholes in the road, we have those in Aroostook County. We have them all over Aroostook County and I'm not speaking only for Aroostook County. You spoil only one tire a year, one tire a year and you have lost more than your gasoline tax. You speak of charging the out-of-state visitors and how much we are going to lose, I'd like to remind you we

aren't going to lose too many to Canada this year because Canada has just put on a new ten cent gasoline tax, ten cents ladies and gentlemen of this House, not one. Five to take effect in August and five later in the year, that makes their gas in New Brunswick, 30 cents a gallon, not 10, 11 or 12 or 14 cents a gallon but 30 cents a gallon. It makes the diesel tax in New Brunswick 33 cents a gallon. Ladies and gentlemen of this House, are we asking too much to take one cent gas tax which produces \$11 million for two years?

I worked last summer with a gentleman, Mr. Webber and the gentleman Mr. Morton and I think we were taught enough and showed enough in actual figures and heard taxpayers like trucks, all say that they were willing to pay this tax and you take the heavy traffic that travels over these roads today, they pay their share. They pay 43 percent of the tax that builds roads.

I hope this morning that you go along with this tax, especially our voters out of Aroostook, I hope we all see the light and go along with it.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I was undecided for a while as to how to go on this tax, additional gasoline tax, until one of the lobbyists approached me out in the corridor and said that they had planned some 17 miles of highway construction where they were going to use cement, and then I knew how I was going to vote. I responded by saying that I am sure that Canada will be happy to hear this. Maine has the only cement plant in New England, yet, if the trend continues as in the past, all the money you will be approving for the Transportation Department in other projects that require cement will be used to purchase Canadian cement, not only subsidized by their government but allowed to enter this country duty free, while our own plant must pay a duty on every bag of cement, we are told, if we want to compete in the Canadian market. Every bit of mortar that was used in this new parking garage across the street was Canadian cement, so think about that every time you drive by.

I might ask, is this in the best interest of the health and welfare of the people of Maine? And as far as the tax being regressive, you want to remember that the federal government imposes taxes to remove money from circulation to curb inflation, the high cost of gasoline has discouraged the use of it here in this state, and the Transportation Department has taken note of this, because more people have turned to compact cars to consume less gasoline, so it would stand to reason that as we continue to price gas out of the reach of the average citizen, there will be less gas used and less taxes paid.

We are not talking about everybody as computed examples in statistics around one cent, but I don't consider it as one cent, I am looking at it as 10 cents, and I think this is what we all should do. It is easier to get one cent at a time, but now we are up to 10 cents, and one of the highest gasoline taxes in the United States.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer a few of the questions that have been brought out here this morning. One is the fact that our Governor campaigned

with the promise that there would be no increase in taxes, and excepting for the Highway Department, he was pretty safe in making these remarks, because later he came out with a budget about \$150 million higher than ever before, but the taxes that went into that were on a percentage basis. As the income goes up, the income tax goes up. As the cost of taxable sales go up, that income goes up, so from those two taxes, the state got additional revenue which was needed to almost balance this budget.

The gas is different. They are on a four-cent basis, and no matter how much the prices go up, it is still four cents. Actually, the higher it goes up, the fewer gallons are sold, so the lower the income for the department. The gentleman just preceding me here brought that point out very well.

We had another gentleman say that his constituents didn't mind riding over rough roads. Well, maybe his don't, but they should go see the highway officer and see the complaints he gets from all over the state. There may be a few that don't mind rough roads, but there are many others who do mind rough roads.

I wish to thank the gentleman from Gorham, Mr. Quinn, because he brought out some points that I had in my mind, but he had better ability to do it, and I wish I could do better, but we need this tax.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope today that we do vote for passage of the gas tax. Personally, I think it is the best method of financing that there is, and I, too, would like to see the day come when we could get out of the bonding, if it was ever possible, of highway expenditures and really get on a pay-as-you-go basis. With the bonding mechanism, it is costing us way too much money. But today, with this one cent increase and even with the bond issue we had to pass, this does not really allow for any expansion of the Highway Department, it merely is kind of for us to hold our own. Even standing still, this is not really doing us that much good, because when you stand still, you really don't stand still, you go behind.

If we do not pass this today and we go behind any farther in the highway construction, then sooner or later, in the next session or the one after that, we are going to come back and really pass a massive tax to try to catch up. I think the whole object is to try to hold our own the best we can, the way the world conditions are and the economic conditions, and the best way to do this would be to pass the one cent tax increase. I would much rather see this than see an increase in fees or any other mechanism be used. If we do pass this, we are returning some money to the towns for their snow plowing and their traffic service and the town road improvement fund, so this is not really putting the whole burden of one cent on the Maine person, because they will be getting the other relief from the property tax, so actually it won't be a one cent tax increase, it will be nearer a 3/4 of a cent tax increase for those who have property.

I think this is a good measure and I think it deserves our support, and I would hope that we would pass it today so that we can move along with our other business.

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

Mr. KAUFFMAN: Mr. Speaker, under Rule 19 of the House Rules, I wish to be excused from voting, I believe I have a conflict of interest.

The SPEAKER: If the gentleman feels he has a conflict, he is excused from voting.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with a great deal of interest to the debate pro and con here this morning and all the figures. But when you come right down to the nitty-gritty, what we are determining here this morning with our vote either for or against the gasoline tax is the condition of the economy for the State of Maine.

Now, to think about that, the simplest way I can say it to you is that the economy in Maine moves on wheels, whether they are rubber or steel, and to move them on rubber, you have got to have the gasoline. Therefore, the tax on the gasoline is a user tax. Only those who are using the gasoline will be paying this tax.

That also brings up my opposition to the registration fee. When you put a registration fee on a group of trucks coming across the state, the other day there was one contractor that had 18 trucks standing idle, now what that fee would be for a person of that magnitude who can't get any contract work, that is going to stand there year after year until he does hit, but on the other hand, it has been said that we only get the summer tourist. Maine is a four-season state. Just during my time in the legislature, I have seen the snowmobiles and the rest of it being developed here in the state, the ski slopes are being developed, and these people are coming from down in the lower parts of the state and coming up across to stay here. The only fair tax we can put on is the gasoline tax, and then you can go home and tell the people that you voted the taxes up, because we all use gasoline that is exactly what you are doing.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I must assume those people in the House that are going to vote for the gas tax, for some reason they were dissatisfied with the service they have had from highways last year. I wasn't dissatisfied, I think they did a good job, and I think that upping the estimates and doubling the fines to the truckers and things that we will give them will keep us status quo.

Apparently you are not satisfied with status quo, you are not satisfied with the service you had last year, you want to extend it. If you do, you have got to vote for the gas tax. I am satisfied with the service we had last year, I think they did a good job, and I will be satisfied with the same services next year, and I am sure we will get it by upping the estimates.

We speak about a regressive tax, and I could say something on that very briefly. People go into a filling station and they buy two dollars worth of gas generally, or five dollars worth of gas. About 70 percent of your sales will be either \$2 or \$5; very few say fill it up, so if we up the tax, it tends to be regressive and we get out of line with the other states. We now have 9 cents, as you all know.

The head of the Transportation Department hasn't put many letters on your desks, the contacts have been with you individually. He is afraid you might

see the inefficiency in the operation if you do, because it puts us more out of line with the other states.

Someone said in the House that we have more five miles per capita than other states, and I am sorry, but this is not a fact.

Mr. Quinn from Gorham had some very interesting figures and they probably were true. A man driving 20 miles a day, 10 miles each way, I think they applied to that very nicely, but an awful lot of my people drive 50 miles one way and that is 100 miles a day. This is what makes my strongest opposition to this gasoline tax. I live in an area where my people have to drive to Millinocket to work, my people in Lee and Springfield have to drive fully as far, and the average driving is 50 miles one way, so that makes Mr. Quinn's argument, in my case, much stronger; in my opinion, for me to vote against the gas tax. My people have to drive a lot further than his and carry a heavy burden. They are poor people and have to drive a long ways to work.

If I wasn't satisfied with the service last year, I would vote for the gas tax, so if you are not satisfied, you should, but I am a satisfied person, my constituents are satisfied, and where they con you in, saying they are going to stop plowing the roads and they are going to stop building roads, they must be assuming they are not going to sell any gas this year. This wouldn't be a fact. Call the Taxation Department, revenues are up. Upping the estimates — nobody on the committee has talked about upping the estimates. It should be done. Nine days like this, take a trip to some of our beaches and already they are loaded. Those people burn gasoline to get there, and this being the case, you should up the estimates.

I don't want to increase services, I don't want to decrease them either. I see no need to decrease them. With the estimates up and the other things we have done, it will give them a little extra money, so someone is being misled. I am sure the department heads don't want to come in here and talk, because we might recognize some of the deficiencies that they have. Other states can do it for less money, and we are already outfunding them in taxes. I don't want to be one to say that in my state we have got a 10 cent gas tax, 7 and 6 in some. They would really think there was something wrong up here, that we are spending the money very recklessly. So I hope if you were satisfied with the services last year that you will vote to indefinitely postpone this bill. If you are not satisfied and you want more roads built, more super highways and the like, which would be good and you think our people can afford it, I suspect you will have to. My people can't afford it.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: As you all well know, this gas tax will look a little bit of an unusual course. It was voted "ought not to pass" 8 to 5. I was among the eight who signed it "ought not to pass," as I have done in the last previous sessions that I have been here, which are five. Then, subsequently, giving it a lot more thought, three things came to my mind that led me to join the seven others who signed the "ought to pass" report, and the three things, I will just simply tell them to you as briefly and as quickly as I can.

They are the fact that these monies that this one cent tax would generate will be

matched three to one by the federal government. Number two, we have a high unemployment condition existing in our state. This will provide employment to probably 2,000 people, and you know what that will mean to our economy. Number three, and a very, very important item that has been mentioned probably ten times or more is the fact that a lot of that money is being contributed to us by out-of-staters, and with that, my conscience is absolutely clear, and I hope you people will also feel the same and vote for this gas tax bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All 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 Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I regret getting up after the roll call was ordered, but I did try to get up before.

I am in favor of this gas tax. The regressive factor has been addressed rather carefully and I won't go into it any deeper. I think it has been established pretty well that the funds are needed and that if regressivity is a concern, then certainly the gas tax is much less regressive than any fee structure would be, because that is absolute, it is irreducible and the people who have to pay the fees have no possible way of controlling them. They do have a way of controlling their consumption of gasoline. After they have met the minimum required to get to and from work, then they can decide whether or not they are going to spend money on gasoline for recreational purposes. That is as it should be.

I deplore some of the conversation we have had in this debate pointing out Maine's deficiency, and I think we ought to look at the other side of the coin and point out Maine's real pluses. The gentleman from Eastport mentioned the fact that Maine is a four-season tourist state. I am sure you have all seen in the papers this week that they expect a bonanza tourist year this year. Tourism is a big industry and tourism employs many people, so jobs are created by the tourist industry, and we don't want to sell it short and we don't want to talk down the State of Maine, we want to talk it up. Maine is progressive and we want it to be that way.

I will never forget, many years ago my father went to California on business a couple times and he said, you know, in the wintertime in California, if the temperature went below 70 degrees, you could never find it out because they weren't out there bragging about how low the temperature. Up here in Maine, we get a great kick out of telling how low it goes and how rough the roads are and how tough things are, but the Californians had a different idea, they always talked positively. So, I think that is the way we want to talk, positively.

Finally, ladies and gentlemen, I have one unique experience to relate to you which I don't think anybody else can relate because it only happened last evening and I didn't see any other legislators there. It was a meeting of the Municipal Officers Association of Franklin County, and I am

sure you all know, Franklin County is a rural county with relatively small communities. The majority of the communities, much better than a majority, were represented at that meeting last night. I brought up again, as I did a month ago when the gentleman from Skowhegan was there and the gentleman from Rangeley was there, do you want the gasoline tax if we fund your town road improvement and snow removal? I got the same answer, they do want it, so when folks say that their people do not want this, I am not sure they have got up-to-date information. Well, mine is as up to date as last evening, the municipal officers of a large majority of the towns in Franklin County, and I found no dissent.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted of An Act Increasing the State Gasoline Tax (H. P. 1005) (L. D. 1332). This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. 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, Bennett, Berry, G. W.; Birt, Blodgett, Bowie, Burns, Byers, Carpenter, Carter, Conners, Cooney, Cox, Curtis, Dam, DeVane, Doak, Dow, Drigotas, Farnham, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Gould, Greenlaw, Hall, Hennessey, Hewes, Hunter, Hutchings, Immonen, Ingegneri, Kelley, LaPointe, Lavery, LeBlanc, Leonard, Lewin, Littlefield, Lizotte, Lynch, MacEachern, MacLeod, Mahany, Maxwell, McBrairty, McKernan, Mills, Miskavage, Morton, Najarian, Palmer, Peakes, Pearson, Perkins, T.; Peterson, P.; Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Snow, Strout, Stubbs, Susi, Theriault, Torrey, Twitchell, Walker, Webber, Winship, The Speaker.

NAY — Berry, P. P.; Berube, Boudreau, Bustin, Call, Carey, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Curran, P.; Davies, Dudley, Durgin, Dyer, Farley, Faucher, Garsoe, Gauthier, Goodwin, K.; Gray, Henderson, Higgins, Hinds, Hobbins, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, Lewis, Lovell, Mackel, Martin, A.; McMahon, Mitchell, Morin, Mulhern, Nadeau, Norris, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Raymond, Shute, Snowe, Spencer, Sprowl, Talbot, Tarr, Teague, Tierney, Tozier, Tyndale, Usher, Wilfong.

ABSENT — Hughes, Jacques, Kauffman, Kennedy, Lunt, Martin, R.; Silverman, Smith, Truman, Wagner.

Yes, 79; No, 62; Absent, 10.

The SPEAKER: Seventy-nine having voted in the affirmative and sixty-two having voted in the negative, with ten being absent, the motion does not prevail.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the second tabled and today assigned matter: An Act Relating to Motor Vehicle Fees (H. P. 730) (L. D. 907)

Tabled — June 25, by Mr. Rolde of York.

Pending — Passage to be Enacted.

Mr. Rolde of York requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote

will vote yes; those opposed will vote no.

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: On L. D. 907, there is a method of funding in there that I am somewhat skeptical of because of the act of semi-trailer registrations. This was brought up the other day, and I would like to emphasize and bring it back to you again this morning that there is approximately 135,000 semi-trailers registered in the state and there are 134,000 that do not use the roads in this state. These 134,000 are leased trailers that get their transfer plates here in the state on a six-year basis. They generate some \$600,000 to the highway budget on an annual basis. The fees for these are to be increased from \$5 to \$10, at the high risk of losing 134,000 semi-trailers that are registered here by going to the State of Tennessee and being able to register those trailers for a fee of \$7.

I would like, if it is possible, to make a motion to try to offer a compromise in the increase of these rates so that we can go from the \$600,000-some-odd that the state is receiving annually, and believe me, this is a bonus, to half of what the request has been made for under L. D. 907.

Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration.

Mr. Finemore of Bridgewater requested a vote on the motion to suspend the rules.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote. All in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Kelleher requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Bustin, Byers, Carpenter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Davies, DeVane, Drigotas, Durgin, Farley, Faucher, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hutchings, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelleher, Kelley, Laffin, LaPointe, Leonard, Lewis, Littlefield, Lizotte, Lovell, MacFachern, Mackel, Martin, A.; Maxwell, McKernan, Mitchell, Morin, Mulhern, Nadeau, Najarian, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Raymond, Rolde, Shute, Snow, Spencer, Strout, Stubbs, Talbot, Tarr, Teague,

Tierney, Tozier, Twitchell, Tyndale, Usher, Wilfong.

NAY — Albert, Bachrach, Bagley, Berry, G. W.; Burns, Call, Carroll, Churchill, Connors, Curran, R.; Curtis, Doak, Dudley, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gauthier, Gray, Hall, Hinds, Hunter, Jalbert, Kauffman, Laverty, LeBlanc, Lewin, Lynch, MacLeod, Mahany, McBreairty, Mills, Miskavage, Morton, Norris, Palmer, Peterson, P.; Powell, Quinn, Rideout, Rollins, Saunders, Snowe, Sprowl, Susi, Theriault, Torrey, Walker, Webber, Winship.

ABSENT — Carey, Carter, Dam, Dow, Hughes, Jacques, Kennedy, Lunt, Martin, R.; McMahon, Perkins, S.; Silverman, Smith, Truman, Wagner.

Yes, 83; No, 52; Absent, 15.

The SPEAKER: Eighty-three having voted in the affirmative and fifty-two in the negative, with fifteen being absent, the motion does not prevail.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that was suggested by Governor Longley after he ran his campaign, got elected and said no taxes, no tax increases. This is what I guess he would refer to as a no-tax tax increase. I, for one, am not going to vote for it. I think if you want to raise a tax, you ought to call it a tax, you ought to be straightforward about it and do it right. I would much prefer the gas tax to a fee increase of this sort, and I would urge you to vote against it.

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

Mrs. POST: Mr. Speaker and Members of the House: I am going to vote against passage of this bill right now, and I want to explain why. My particular reason is that since we were not able to suspend the rules, then there is nothing specific in this fee increase which mandates that a certain amount of money will be able to go into winter maintenance or town road improvement.

The SPEAKER: The Chair would inform the gentlewoman that she is in error. The allocation act contains that provision.

Mrs. POST: Mr. Speaker, it would be my understanding that we would have to pass a bigger increase in order to fund the allocation act as it stands now in addition to 907.

I think one of the options, when the gentlewoman from Portland, Mrs. Najarian, was reading off the list of options and how people had voted on those, she mentioned that several people had voted for fictitious option number six, and it is my understanding that was not a fictitious option but that option was one that was not listed on the questionnaire but was brought up in our caucus or when we were discussing the issue under suspension of the rules, and that would be the option that I would prefer to go to, and that means that would be essentially passing 907 with the amendment that puts back in winter maintenance and town road improvement, and the end result of that would be a reduction in the rest of the transportation budget by approximately \$5 million. So until that is done to 907, I don't feel as though I can vote for it.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: This bill here

was recommended by the Governor. It was given to me by the Governor, and the gentleman from Farmington, Mr. Morton, and the gentleman from Belfast, Mr. Webber and I worked last summer very hard with the Transportation Department, and we had three — two at all times — truckers organizations, and I believe we were recommended by three truck organizations that they were perfectly willing to go along with the \$10 on the registration of semi-trailers. That seems to be the trouble this morning, the registration of semi-trailers. They come into the State of Maine because they can get a six-year permit, and they don't have to find the trucks each and every year. All they have to do is buy them, if they are out in California, they are all covered, if they are in Florida, they are all covered.

So this morning, I hope you will go along with this. This would help to balance the transportation budget that they are requesting, and I have hesitated very much speaking on it.

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

Mr. PETERSON: Mr. Speaker and Members of the House: I will be very brief. I cannot vote for L. D. 907 for two simple reasons. The doubling of camper/trailer fees from \$5 to \$10 I think is just totally unnecessary and very hard on a group of people in this state who can't afford the luxury of owning a lot of lakefront property and having their own cottage, so they have these camper trailers, they like to travel around the state, you are hitting right in the pocket book, you are doubling their fees. Motorcycles, you are doubling those license fees. I just think that this is a hodge-podge way of attacking the problem, and I can't support it.

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

Mr. PALMER: Mr. Speaker and Members of the House: It disturbs me just a little to hear the gentleman from Windham finding one by one the reasons he cannot support one measure or the other. We are down to the fact that I thought yesterday that the good gentleman said he wanted to be sure that the town road improvement and the winter maintenance was in the allocation fund. I thought accommodations had been made to put it in there to gather his support for something which would, I believe he said, would return to the towns this amount of money so they wouldn't be further pressed in addition to all the other items. That was my impression yesterday; that if the other body or someone put back in the highway allocation to fund these funds for local municipalities, this would dispel this feeling. I think now we are at the point, with the gas tax gone, if we want that and looking down the road at a \$10 million deficit, we either pass these things or we go home with \$10 million placed upon the towns.

I don't mean to be critical of Mr. Peterson, I just was under the impression yesterday that he wanted this other put in before he could support any funding mechanism for the total allocation bill.

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

Mr. PETERSON: Mr. Speaker and Members of the House: I am sorry that I disgust the gentleman on some issues and I also apologize for leaving the wrong impression.

I didn't sign the little questionnaire that came around, but I did check the first option, which was to fund the highway allocation act of \$144 million and include winter maintenance and town road improvement from the \$144 million. Let them find the money from within the department. It is a \$144 million allocation act, and I am not supporting an increase in any fees, and I make that very clear. I think \$144 million is a lot of money, and \$10 million, you ought to be able to find it.

The SPEAKER: The pending question is passage to be enacted on Bill "An Act Relating to Motor Vehicle Fees," House Paper 730, L. D. 907. All in favor of enactment will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Blodgett, Boudreau, Bowie, Burns, Byers, Carroll, Carter, Conners, Cooney, Cox, Curran, R.; Curtis, Dam, DeVane, Doak, Dudley, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gould, Greenlaw, Hall, Hewes, Higgins, Hinds, Hutchings, Immonen, Ingegneri, Jackson, Joyce, Kany, Kauffman, Kelley, LeBlanc, Leonard, Littlefield, Lizotte, Lovell, Lynch, Mackel, MacLeod, Mahany, Maxwell, McBreairty, McKernan, Miskavage, Mitchell, Morin, Morton, Mulkern, Palmer, Peakes, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Powell, Saunders, Snow, Snowe, Spencer, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Walker, Webber, Winship.

NAY — Bennett, Berry, P. P.; Berube, Birt, Bustin, Call, Carey, Carpenter, Chonko, Churchill, Clark, Connolly, Cote, Curran, P.; Davies, Dow, Drigotas, Durgin, Dyer, Farley, Faucher, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Henderson, Hennessey, Hobbins, Hunter, Jalbert, Jensen, Kelleher, Laffin, LaPointe, Laverty, Lewin, Lewis, MacEachern, Martin, A.; McMahon, Mills, Nadeau, Najarian, Norris, Pelosi, Peterson, T.; Pierce, Post, Quinn, Raymond, Rideout, Rolde, Rollins, Shute, Sprowl, Talbot, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wilfong, The Speaker.

ABSENT — Hughes, Jacques, Kennedy, Lunt, Martin, R.; Silverman, Smith, Truman, Wagner.

Yes, 77; No, 65; Absent, 9.

The SPEAKER: Seventy-seven having voted in the affirmative, sixty-five in the negative, with nine being absent, the motion does prevail.

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

By unanimous consent, ordered sent forthwith.

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

Bill "An Act Increasing Motor Vehicle Registration Fees" (H. P. 1692) (L. D. 1930) — In House, Indefinitely Postponed on June 23. — In Senate, Passed to be Engrossed in non-concurrence, June 24.

Tabled — June 25, by Mr. Rolde of York. Pending. — Further consideration.

Mr. Jensen of Portland moved that the House recede and requested a roll call.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I was going to ask to recede and concur.

The SPEAKER: The Chair would advise the gentleman that the motion to recede

has priority over the motion to recede and concur.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to vote to recede today. I urge you to defeat the motion and proceed to act on this particular piece of legislation and let it go on its way.

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 Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: Just a note to inform you what I would attempt to do with one of my amendments. The amendments that I have prepared, which I am going to offer should the motion to recede be approved, would be to maintain the existing taxing level, fee level, for passenger cars, perhaps pickup trucks. That is all I am going to consider and I would ask you to vote yes to recede so that we can at least consider this, and then do what you wish when it comes to the vote on that.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: As you have heard the good gentleman, he wants to move to recede so he can offer an amendment to cut registration on automobiles, but he is a hundred percent in favor of increasing trucks in this state 15 or 20 percent. If you are going to put a registration fee bill through this House, I think it is imperative of us that if we can increase truck 15 or 20 percent, we should be able to increase automobiles an additional \$3. I don't think his amendment is valid. I urge you all to vote against the pending motion.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: May I ask a question through the Chair? Would it be in order to ask the gentleman from Portland how much this would decrease the amount of this bill?

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, poses a question through the Chair to the gentleman from Portland, Mr. Jensen, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question posed to me by the gentlewoman from Madison, I just read the fiscal note. It is estimated this legislation, as amended, would increase revenue to the general highway fund by approximately \$1.78 million for the biennium beginning July 1, 1975, ending June 30, 1977.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I believe that figure is in error. The total figure that I was given for this bill was \$5.2 million, add to that the total of this bill without any amendments \$5.2 and you come up with

\$10.8 million. Now, we have talked about \$10 million in round figures this morning as being the problem, but the problem, in reality, is more than \$10 million. The allocation act is \$5.6 and the town roads improvement, snow removal, special funds that go into that, \$5.8; these add up to \$11.4 so, you subtract \$11.4 and \$10.8 from \$11.4 and you still get a \$600,000 shortage. It means that the department is still going to have to do some trimming. In addition to that, we have already passed this session and have not funded in the highway department allocation, \$600,000 for their full health insurance. So, you add that to the other \$600,000, you talk about a \$1.2 million shortage even with both of these bills intact.

I urge you not to recede but to wait and vote against recede and go with the recede and concur.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: This reduces the requested amount of registration on automobiles by \$3 and there are 500,000 on the road now, so just multiply that by three and we will reduce this bill by a million and a half.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question to some member of the Transportation Committee. I am just curious as to whether or not the Department of Transportation has ever had to lay off any engineers or any people who worked for them like the Department of Mental Health and Correction has in their institutions and everything?

The SPEAKER: The Gentleman from South Berwick, Mr. Goodwin, poses a question through the Chair to any member of the House who cares to answer.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: The Highway Department has reduced the number of their engineers by a couple hundred. I don't have the exact figures. I think some gentleman spoke this morning and had the figure right in front of him. They have about 200 less engineers and right now about 300 less of the employees other than that.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I do have that figure. This is a letter from Commissioner Mallar, I will just read one part. "As a matter of fact, the engineering staff of the Department is at its lowest level in over 10 years, with over 100 fewer engineering employees than three years ago and in excess of 50 fewer than only one year ago."

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that people are very up tight about the possibility of me even offering any amendments. Now, Governor Longley, again, in the past, has talked about tax bills, talked about vetoing increased spending. I think this is another bill he may well veto. He has given no indication whatsoever that he would approve a bill of this sort. This is something that falls almost entirely, like about 75 percent of the cost of this falls directly on the consumer.

The average guy out on the street is going to have to pay \$3 more to register his vehicle. I would ask you to vote to recede, to vote with me, and then consider the amendments and vote on the merits of the amendments but at least let me offer them.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you go along with the gentleman from Portland to recede so he can put his amendment on and then it will be easier to kill the whole bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Jensen, that the House recede from passage to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bennett, Berry, P. P.; Berube, Boudreau, Bowie, Churchill, Clark, Connolly, Cooney, Cote, Curtis, Dam, Davies, DeVane, Drigotas, Durgin, Faucher, Flanagan, Gauthier, Goodwin, H.; Gray, Greenlaw, Henderson, Hobbins, Ingegneri, Jackson, Jalbert, Jensen, Kany, LaPointe, Leonard, Lewin, Lewis, Littlefield, Lovell, Mackel, Martin, A.; McMahon, Mitchell, Morin, Mulhern, Nadeau, Najarian, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Post, Raymond, Rolde, Rollins, Snow, Spencer, Talbot, Tarr, Tierney, Tyndale, Usher, Wilfong.

NAY — Ault, Bagley, Berry, G. W.; Birt, Burns, Bustin, Byers, Call, Carpenter, Carroll, Chonko, Conners, Cox, Curran, P.; Curran, R.; Doak, Dudley, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gould, Hall, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Joyce, Kauffman, Kelleher, Kelley, Laffin, Laverty, LeBlanc, Lizotte, Lynch, MacEachern, MacLeod, Mahany, Maxwell, McBreairty, McKernan, Miskavage, Morton, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Powell, Rideout, Saunders, Shute, Snowe, Sprowl, Strout, Stubbs, Susi, Teague, Theriault, Torrey, Tozier, Twitchell, Walker, Webber, Winship, The Speaker.

ABSENT — Albert, Blodgett, Carey, Carter, Dow, Farley, Goodwin, K.; Hughes, Jacques, Kennedy, Lunt, Martin, R.; Mills, Quinn, Silverman, Smith, Truman, Wagner.

Yes, 61; No, 72; Absent, 18.

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

Thereupon, the House voted 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: I would move reconsideration of the motion to recede and concur.

The SPEAKER: The gentleman from Portland, Mr. Jensen, moves the House reconsider its action whereby he House voted to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Jensen of Portland 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. JJensen, that the House reconsider its action whereby the House voted to Recede and Concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bennett, Berry, P. P.; Berube, Boudreau, Byers, Chonko, Clark, Connolly, Cooney, Curtis, Dam, Davies, Drigotas, Durgin, Faucher, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Henderson, Hobbins, Immonen, Jensen, Kelleher, LaPointe, Lewis, Littlefield, Martin, A.; Mitchell, Morin, Mulhern, Nadeau, Najarian, Norris, Pearson, Peterson, T.; Pierce, Post, Raymond, Rolde, Rollins, Shute, Snow, Spencer, Talbot, Tierney, Tyndale, Wilfong.

NAY — Ault, Bagley, Berry, G. W.; Birt, Bowie, Burns, Bustin, Call, Carroll, Churchill, Conners, Cote, Cox, Curran, P.; Curran, R.; Doak, Dudley, Dyer, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Ingegneri, Jackson, Jalbert, Joyce, Kany, Kauffman, Kelley, Laffin, Laverty, LeBlanc, Lewin, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Maxwell, McBreairty, McKernan, McMahon, Miskavage, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Powell, Rideout, Saunders, Snowe, Sprowl, Strout, Stubbs, Susi, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Walker, Webber, Winship, The Speaker.

ABSENT — Albert, Blodgett, Carey, Carpenter, Carter, DeVane, Dow, Farley, Hughes, Jacques, Kennedy, Leonard, Lunt, Martin, R.; Mills, Peakes, Pelosi, Quinn, Silverman, Smith, Tarr, Truman, Wagner.

Yes, 49; No, 79; Absent, 23.

The SPEAKER: Forty-nine having voted in the affirmative, seventy-nine in the negative, with twenty-three being absent, the motion does not prevail.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent.

An Act to Correct Errors and Inconsistencies in the Public Laws (S. P. 480) (L. D. 1760) (S. "A" S-352, S. "C" S-356, S. "E" S-368, S. "F" S-370, S. "G" S-371, H. "A" H-814, H. "B" H-821, H. "C" H-831, H. "D" H-832, H. "E" H-836, H. "F" H-840, H. "G" H-842, H. "H" H-843, H. "B" to C. "A" H-823, H. "C" to C. "A" H-828, H. "G" to C. "A" H-835, S. "A" to C. "A" S-355, S. "B" to C. "A" S-362, S. "E" to C. "A" S-361, S. "F" to C. "A" S-365, S. "H" to C. "A" S-369, C. "A" S-351)

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

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

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

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

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

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hinds, Hobbins, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Laffin, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Mitchell, Morin, Morton, Mulhern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Call, Connolly, Gray, Hewes, Higgins, LaPointe, Lewis, Perkins, S.; Shute.

ABSENT — Albert, Hughes, Jacques, Kennedy, Martin, A.; Mills, Peterson, P.; Quinn, Silverman, Smith, Truman, Wagner.

Yes, 129; No, 9; Absent, 13.

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

Thereupon, the Bill signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent.

Joint Order Relative to Legislative Study of funding of Department of Inland Fisheries and Wildlife from General Fund (H. P. 1771) which was Read and Passed in the House on June 24.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House:

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question about this Supplement No. 2 that we are on this morning. I see that this is going to come out of the General Fund. How much is going to come out?

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add, if I might to my good friend from

Westbrook, Mr. Laffin, this is just a study order to study the possibility of doing this. It has been indefinitely postponed in the Senate. Also, there is another order in which we will study the whole situation as far as Fish and Game is concerned.

Thereupon, the House voted to recede and concur.

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage: (H. P. 1777)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mr. and Mrs. Olden D. Tapley of West Brooksville Celebrating Their 70th Wedding Anniversary on June 25, 1975

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

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

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

On Motion of Mr. Albert of Limestone, it was

ORDERED, that Kenneth A. Mills of Eastport be excused for the duration of the session due to personal reasons.

The following Enactor appearing on Supplement No. 1 was taken up out of order by unanimous consent:

An Act Relating to the Dredging, Filling or otherwise Altering Coastal Wetlands (H. P. 590) (L. D. 730) (Conference Committee "A" H-837 to C. "A" H-354)

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

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

Mr. PALMER: Mr. Speaker, before this bill is enacted, I wonder if someone who was on the Committee of Conference could explain to us just exactly what was done by this work.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I was on the Committee of Conference and what we decided on was basically a House Amendment with a few minor alterations that would allow the municipalities, if they so desire, to have a say in granting permits through their planning boards or other various municipal organizations, and the town has to ask to do this and then the state may say no, we don't feel that you have the qualifications. It is more home rule.

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

By unanimous consent, ordered sent forthwith.

The following Enactor appearing on Supplement No. 4 was taken up out of order by unanimous consent:

An Act Increasing Motor Vehicle Registration Fees (H. P. 1692) (L. D. 1930)

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

Mr. Rolde of York 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 and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Boudreau, Bowie, Byers, Carter, Cox, Curran, R.; Curtis, Farnham, Fenlason, Finemore, Fraser, Garsoe, Hall, Hewes, Higgins, Jackson, Kany, Kauffman, Lynch, Mahany, Maxwell, McBreairty, McKernan, Miskavage, Mitchell, Palmer, Peakes, Perkins, S.; Peterson, P.; Powell, Saunders, Snow, Snowe, Stubbs, Theriault, Torrey, Twitchell, Walker, Webber, Winship.

NAY — Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Burns, Bustin, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Curran, P.; Dam, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Faucher, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Henderson, Hennessey, Hinds, Hobbins, Hunter, Hutchings, Immonen, Ingegneri, Jalbert, Jensen, Joyce, Kelleher, Kelley, Laffin, LaPointe, Lavery, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, MacEachern, Mackel, MacLeod, Martin, A.; Martin, R.; McMahon, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Pearson, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Quinn, Raymond, Rideout, Rolde, Rollins, Shute, Spencer, Sprowl, Strout, Talbot, Tarr, Teague, Tierney, Tozier, Tyndale, Usher, Wilfong.

ABSENT — Albert, Carey, Dudley, Gauthier, Gray, Hughes, Jacques, Kennedy, Lunt, Mills, Silverman, Smith, Susi, Truman, Wagner.

Yes, 41; No, 94; Absent, 15.

The SPEAKER: Forty-one having voted in the affirmative and ninety-four in the negative, with fifteen being absent, the motion does not prevail.

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you vote against me.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I have never seen such a quick shift in ten minutes in my life, and I thought that perhaps we had final burial services, it might be well to just, as they say in some quarters, consider well your situation, because several avenues have been closed here and we are now in a position where if we do kill this, I would say that we have a situation where our highway allocation fund is \$5 million underfunded, which means, of course, cuts and maybe that is what the majority wants to do, to cut the budget by \$5 million, but it looks to me as though we are at that point now where we either pass the measure or consider the fact that \$5 million will be cut from the highway budget. I think that is the consideration now and I think we

should consider it before we take a final vote. Perhaps it would be well to table the motion until a little bit later in today's session.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I guess I must be kind of numb, but I don't know what is taking place. I have never seen such a quick shift. Will you please explain what we are doing.

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

Mrs. BERRY: Mr. Speaker, is it true that we put the town road improvement and those programs back in the allocation bill?

The SPEAKER: The Chair would answer in the affirmative.

Mrs. BERRY: Mr. Speaker, therefore, we are not only \$5 million short, we are \$10 million short at this point.

This bill was part of the allocation bill in the first place, therefore, we have this plus the town road improvement, so isn't that \$10 million?

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Just to answer the good lady from Madison, Mrs. Berry, the particular L. D. that you are talking about is L. D. 1930. This has nothing to do with the Governor's budget. L. D. 907 that we passed and sent to the other body funds the highway budget without town road improvement previously. Now that the amendment has been offered in the other body, what you are saying is that the budget is underfunded if this bill fails passage.

What I would say is, if we were to reconsider our action on this, we could fund the budget with those programs intact. I also might say that if this bill is defeated, it is my feeling, and I think it is the feeling of a lot of the members in the House that we intend to pass the highway allocation with L. D. 907 and certainly somewhere in the budget it is going to have to be cut to take care of those programs.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against reconsideration. I think we have thrashed these things around now for a couple of weeks and as a matter of fact, if a tabling motion is made, I hope you will vote against that also.

I have no particular desire of standing around the corridors all afternoon playing little games on something that we apparently have made quite a decisive decision on.

I don't wonder that the gentleman from Sangerville is confused, I think that is part of the ball game. I never have seen such a group of bills come in from six different directions when nobody could decide what they want or which direction to approach it from, and I think that was part of the tactics. I find it a little bit disgusting. I think if some department wants funding and they need funding, why not come out with a good clean bill and tell you about it. Why not say either give it to us or don't, but I most certainly don't appreciate being hit from six different directions when in all honesty you can't decide just what they do want or how they want to go about doing it.

You are narrowing it down pretty fine now. Some of those things are gone. Keep

right on with them. We will get down to one issue eventually.

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

Mr. MORTON: Mr. Speaker, I have a great deal of respect for the gentleman from Buxton, but I think it is a little unfair to say this is not a clean proposition. I think we all know what we are talking about here. You have got two factors. You have got the Governor's original highway allocation which amount to \$5.6 million. This House expressed in no uncertain terms that it wants to add to that funds to reimburse the towns for town road improvement and for snow removal, that added \$5.8 million. We are talking about a total of \$11.4 million. The original budget for snow removal and town road improvement for the towns, now, if that is not straightforward, then I don't know what it is, you can characterize it as anything you want to but it is in your own mind, that is straightforward and you all know what you are talking about.

There was a tremendous switch on this vote. In fact, I switched myself for parliamentary reasons, but we are still failing to fund half of the budget that we have put in the allocations act at the present time. I don't know what priorities are going to be made when that is done, whether the priority is going to be to supply town road improvements funds or whether we have directed that sufficiently or not or whether the department will take the Governor's advice, which was originally to remove those things and fund the budget. After all, that was the Governor's original intention, not to fund town road improvement and snow removal. We put it back in.

I hope some way, before we finish today, that we can raise somewhere in the neighborhood of 10 to 11 million dollars and fund the Highway Department's allocation and the town road improvement money and snow removal. If that is what you want to do, then look out. The gentleman from Nobleboro is exactly right. If you don't want to fund those things, then vote to kill this bill.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: When I came down here shortly after the first week in January, I made known my great displeasure with the removal of the town road improvement and snow removal money. I said then that it belongs in that budget, no business taking it out of there. We had no business acting on it, carrying on any business until it was put in there.

I voted yes on a piece of legislation today with the understanding that it was in there to stay. If that is going to be taken out, I think we had better reconsider and vote on that bill which we just passed a few minutes ago. This little jewel, town road improvement, snow removal money, is a little jewel that we hold up for bait, it is what we call baiting the trap to catch the fox, only you have played with the fox too long, he has become trap shy and he will not put his foot on the pan that springs the trap. This is what has happened. Now, why has it happened? A lack of confidence in the Highway Department and the manner in which it is operated. I have observed this a good number of years. My constituents in my district have time and time again pointed out to me that this department is not operating in the manner it should be.

I didn't come down here to bury a hatchet and I have got a couple with this department and don't you let anybody kid you. They pulled a fast one on me. There is a loam-stealing deal going on on my property, and it didn't smell like roses.

I want to point out to you that I will support this department if it will show me that they are going to operate in an efficient manner, as private business has to. We have a private businessman as Governor and he is not a political they all tell me, well, don't let anybody kid you, he is a better one than I am, he is Governor, I am sitting in the legislature.

I would like to point out to you today that my understanding was that snow removal and town road improvement was in that highway budget and that it was in there to stay. If it isn't, then I move we kill the whole highway budget.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I believe that Representative Morton is correct in saying that we all know what we are doing here this morning and I might just add one footnote to his remarks. We have not passed the Highway Allocation Act. It is up to the discretion of the committee in this legislature. What goes into the act as far as town aid and snow removal has a shortcoming of 3 or 4 million dollars. We haven't enacted yet. The Highway Transportation Committee can change it if they so desire and I urge the House not to reconsider the bill that was just killed.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do not reconsider this issue either and then when we come up for the enactment of the Highway Allocation Act. We can indefinitely postpone Senate Amendment "A" and the budget will be in balance.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: Although we have been here for about two days discussing various ways of dealing with the Highway Allocation Act and the funding of it, the one issue that we haven't yet had a chance to vote on is whether we want to put town road improvement in the allocation act and reduce the rest of the budget by \$5 million for each year, and the only way that we are ever going to get to decide on this issue is if we kill these other bills, and we know if we kill them, they are not necessarily dead forever. They can come back from that other body and we know it, but the only way that we are going to get a chance to vote on that particular issue and make a decision on whether we want the town road improvement in and reduce the rest of the allocation budget by \$5 million a year is if we vote not to reconsider this bill.

The SPEAKER: The pending question is the motion to reconsider whereby this Bill failed of passage to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Dam of Skowhegan requested a roll call.

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. Those in favor 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 Mr. Norris of Brewer to reconsider whereby this bill failed of passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Blodgett, Boudreau, Bowie, Byers, Carter, Cox, Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Fenlason, Finemore, Fraser, Gould, Hewes, Higgins, Hutchings, Jackson, Kany, Lynch, MacLeod, Maxwell, McBreairty, McKernan, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Powell, Saunders, Snow, Spencer, Stubbs, Susi, Theriault, Torrey, Webber.

NAY — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Burns, Bustin, Call, Carey, Carroll, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cote, Curran, P.; Davies, Drigotas, Durgin, Dyer, Farley, Faucher, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hinds, Hobbins, Hunter, Immonen, Ingegneri, Jalbert, Jensen, Joyce, Kauffman, Kelleher, Kelley, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; McMahon, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Pearson, Pelosi, Peterson, T.; Pierce, Post, Quinn, Raymond, Rideout, Rolde, Rollins, Shute, Snowe, Sprawl, Strout, Talbot, Tarr, Teague, Tierney, Tozier, Twitchell, Tyndale, Usher, Walker, Wilfong, Winship, The Speaker.

ABSENT — Birt, Carpenter, Dudley, Farnham, Gauthier, Gray, Hughes, Jacques, Kennedy, Lunt, Mills, Peakes, Silverman, Smith, Truman, Wagner.

Yes, 43; No, 92; Absent, 16.

The SPEAKER: Forty-three having voted in the affirmative and ninety-two in the negative, with sixteen being absent, the motion does not prevail.

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Rolde of York.

Recessed until two-thirty in the afternoon.

After Recess 2:30 P.M.

The House was called to order by the Speaker.

The following paper appearing on Supplement No. 6 was taken up out of order by unanimous consent:

Mr. Mahany on the Committee on Agriculture on Bill "An Act to Establish Uniform Standards for the Measurement of Wood" (H. P. 1758) (L. D. 1944) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-845)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-845) was read by the Clerk and adopted. Under suspension of the rules, the Bill read a second time, passed to be engrossed as amended and ordered sent forthwith to the Senate.

(Off Record Remarks)

Report of the Committee of Conference

on the disagreeing action of the two branches of the Legislature on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24) ask leave to report; that the Senate recede from its action whereby it Passed the Resolution to be Engrossed, as amended by Committee Amendment "C" (H-585); recede from its action whereby it adopted Committee Amendment "C" and indefinitely postpone same; adopt Conference Committee Amendment "A" (S-381), submitted herewith; and Pass the Resolution to be Engrossed, as amended by Conference Committee Amendment "A"; that the House recede from its action whereby it Passed the Resolution to be Engrossed, as amended by Committee Amendment "A" (H-583); recede from its action whereby it adopted Committee Amendment "A" and indefinitely postpone same; adopt Conference Committee Amendment "A" (S-381), submitted herewith; and Pass the Resolution to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

Signed:
Messrs. CURTIS of Penobscot
CLIFFORD of Androscoggin
CORSON of Somerset
— of the Senate.
Messrs. TIERNEY of Durham
CARPENTER of Houlton
Mrs. SNOWE of Auburn
— of the House.

Comes from the Senate with the Report read and accepted and the Resolution passed to be engrossed as amended by Conference Committee Amendment "A".

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

The House voted to recede from passage to be engrossed and from the adoption of Committee Amendment "A" and the Amendment was indefinitely postponed in concurrence.

Conference Committee Amendment "A" (S-381) was read by the Clerk and adopted in concurrence.

The Resolution was passed to be engrossed as amended by Conference Committee Amendment "A" in concurrence and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Dr. Bruce R. Poulton of Orono Upon His Acceptance of the Post of Chancellor of the University of New Hampshire after 19 Years of Dedicated Service to the University of Maine and Maine State Government

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

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

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

Mr. Carey of Waterville was granted unanimous consent to address the House:

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I came in early this morning to spend some time with my source on the second floor. Several good points were made on this floor yesterday by members of the York County Delegation and while I don't want to reopen a can of worms, I believe that this House and the members of that delegation are due a report on my follow-up on the so-called deal or trade-off of the liquor bill for the budget.

As I listened to the members yesterday having to, in effect, defend the way they would vote after I had leveled my charge, the thought kept occurring to me that I could have been used. We are all aware that we may argue on the floor and be, in effect, enemies in the Hall of this House but let anyone from the outside attack one of us and we immediately band together.

I approached my source this morning with this thought in mind, that if there were to be an attack in some manner on a group that might vote to sustain, then other members of the House might vote to sustain in a sympathy vote and thus produce enough votes to kill the budget. My source indicated that the thought had not entered its mind and if that was true, then the source itself would have been used but it was a possibility and it was a shot in an otherwise losing fight.

We discussed articles appearing in the morning papers concerning the veto, the override and the Governor's morning press conference of yesterday morning. One article quoted the Governor as saying, quote "the Governor Does Not Make Deals". While another quoted Ralph Lowe as saying, quote "that was my fault". After I had invited all of the Senators I could locate, I asked Ira Turner and another lobbyist, whose name I cannot recall, to extend that invitation to any Senator I had missed. It didn't do any good; they all voted against it anyway."

Several points of clarification, Mr. Speaker and members of the House, are needed here. Senator Katz and Senator Richard Berry did vote to sustain and they were part of that group that was ushered into the Executive Office and at that meeting, the Governor indicated he would veto the Kittery Bill. The name of the lobbyist that Mr. Lowe could not remember is not a hard name to pronounce, the gentleman lobbyist has been highly visible during this session. He takes on clients with no apparent inner feeling being primarily interested in the money, but my source has indicated to me that this lobbyist went further than this and that, in fact, it was this lobbyist's thought to approach the Senators, as they were approached. That is, if the veto were to be sustained, it would be in the Senate. House members were not involved and for the record, Mr. Speaker, my source expressed deep regret for having cast a shadow on the House members from York County. The lobbyist in question, I regret to say, is a former Chairman of my party, Mr. Severin Belliveau. I want to extend my humble apologies for the part that I played in this and I had told Mrs. Morin earlier that if I found my source to be playing games, I would readily divulge the name, however, I believe my source acted sincerely, and at this point, it must remain anonymous to be protected as a source.

Mr. Davies of Orono was granted unanimous consent to address the House:

Mr. DAVIES: Mr. Speaker and Members of the House: I join with my

colleague, Mr. Carey, in apologizing to this Body and particularly to the York County Delegation who, I believe, I perhaps unfairly put them in a light that is certainly not due them. I believe that I was played a fool by some rumors that roamed the hall and I would ask that you would forgive me for my indiscretion. I will certainly try much harder in the future to avoid falling into this trap.

The following papers appearing in Supplement No. 8 was taken up out of order by unanimous consent:

Mr. Gray of Rockland presented the following Joint Resolution and moved its adoption: (H. P. 1778) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 11)

Joint Resolution Recognizing the Georges River Canal as an Historical Site

WHEREAS, as the Bicentennial of our country approaches, the people and Legislature of Maine become ever more mindful of the important heritage of our State; and

WHEREAS, the name of General Henry Knox, a famous Revolutionary War General and the first Secretary of War under George Washington, is prominently inscribed on the annals of the United States and of Maine; and

WHEREAS, the Georges River Canal, in Warren, was planned and developed by General Knox and exists today as an historical site; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature now assembled in regular legislative session, hereby recognize, and urge the people of Maine and of the United States to recognize the Georges River Canal as an historical site of the State of Maine; and be it further

RESOLVED: That upon passage, suitable copies of this Resolution be sent by the Secretary of State to the Town of Warren and to the Maine League of Historical Societies.

The Resolution was read and adopted and sent up for concurrence.

The following paper appearing on Supplement No. 10 was taken up out of order by unanimous consent:

An Act to Provide Funds to Pine Tree Legal Assistance, Inc., for Continued Legal Representation for those in Need (S. P. 133) (L. D. 438) which was Enacted in the House on April 1 and passed to be engrossed on March 25.

Came from the Senate with Engrossment reconsidered and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-378) in non-concurrence.

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

The following items appearing in Supplement No. 9 were taken up out of order by unanimous consent:

Joint Order Relative to Legislative Council study of standards for services and materials in the eye care industry (H. P. 1764) was read and passed in the House on June 23.

Comes from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order Relative to Legislative Council study of models and plans of Health Care Services (H. P. 1774) which was read and passed in the House on June 25.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House:

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

Mr. LaPOINTE: Mr. Speaker, if I may pose a question relative to the procedure of study orders. I recognize that this Order has been indefinitely postponed in the other Body. I was just curious as to how the legislative leadership council may, if they so desire to revive this order at a later date, is there any instrument or mechanism for doing that? The reason I raise the question, Mr. Speaker and men and women of the House, is that I consider this a rather significant order and I put it in primarily as the result of the medical school being defeated to attempt to act in a responsible fashion to deal with the question of developing or trying to create a mechanism for the legislature to more adequately plan for the development of health care services in rural areas in the State of Maine.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Yes, the answer is yes to the gentleman from Portland. The council may revise and there are so many orders in right now dealing with other subjects and similar subjects that they wanted the opportunity to do that so it is not necessarily dead as of this moment.

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

Mr. LaPOINTE: Mr. Speaker, if I may just pose another question, then what is the sense of putting the orders in? It is an exercise in futility?

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

Mr. PALMER: Well, let me say this to you, because you have a chance to have it studied, that's why, and there are so many orders in now and it's almost impossible in the closing days of legislature for leadership to go through all of these orders and try to ferret them out and see where there are overlying situations. Also we take into consideration the amount of work which a given committee has to perform in a given period of time. It just so happens I believe in Health and Institutions, among one, has a significant number and in instances sometimes, we take that into consideration, do they have the time to do the job and do it properly?

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. LaPointe whom I assume is going to ask a question, therefore, may proceed.

Mr. LaPOINTE: Mr. Speaker, no I'm not going to ask a question, I would just like to make a point if I may and that is that I recall in the 106th Legislature, I presented an order relative to the delivery or distribution of human services programs in the State of Maine and it passed in both this Body and the other Body and then it was later indefinitely postponed by legislative leadership council, so I can't see the logic in indefinitely postponing these measures in this fashion if they simply go to legislative leadership council and then they can be indefinitely postponed at a later date. They would have an opportunity to ferret them out. I just don't think this is the proper way. I'm going to ask that we insist.

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

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

Mr. LaPointe of Portland 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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and obviously 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 to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berube, Birt, Bowie, Burns, Bustin, Call, Carey, Carter, Chonko, Churchill, Conners, Cox, Curtis, Dam, Doak, Drigotas, Dudley, Durgin, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gould, Hall, Hennessey, Hewes, Higgins, Hinds, Hunter; Hutchings; Immonen, Ingegneri, Jackson, Jensen, Joyce, Kelley, Laffin, Leonard, Lewin, Lewis, Littlefield, Lovell, Lynch, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McBreairty, McKernan, Miskavage, Mitchell, Morton, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Rolde, Rollins, Silverman, Smith, Snowe, Sprowl, Strout, Stubbs, Theriault, Torrey, Tozier, Tyndale, Usher, Webber, Winship, The Speaker.

NAY — Bachrach, Berry, P. P.; Boudreau, Carpenter, Clark, Connolly, Cooney, Davies, DeVane, Dow, Fraser, Goodwin, H.; Greenlaw, Henderson, Hobbins, Kany, Kelleher, LaPointe, Laverty, LeBlanc, Lizotte, MacEachern, Maxwell, Norris, Pearson, Peterson, T.; Powell, Rideout, Saunders, Shute, Snow, Spencer, Talbot, Tarr, Twitchell, Wagner, Walker, Wilfong.

ABSENT — Blodgett, Byers, Carroll, Cote, Curran, P.; Curran, R.; Dyer, Farley, Gauthier, Goodwin, K.; Gray, Hughes, Jacques, Jalbert, Kauffman, Kennedy, Lunt, McMahan, Mills, Morin, Mulkern, Post, Susi, Teague, Tierney, Truman.

Yes, 87; No, 38, Absent, 26.

The SPEAKER: Eighty-seven having voted in the affirmative and thirty-eight in the negative with twenty-six being absent, the motion does prevail.

From the Senate: The following Joint Order: (S. P. 605)

WHEREAS, the statutes concerning divorce have been of great concern to recent Legislatures and to the people of this State; and

WHEREAS, much of this concern centers on the statutory grounds for divorce in this State; and

WHEREAS, the recent legislative decision to permit divorce on the grounds of irreconcilable differences has been a controversial one; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council, through the Joint Standing Committee on the Judiciary, be authorized to study the statutes of this State relating to divorce, with special emphasis on the present grounds for divorce and procedures for obtaining divorce, to compare these statutes with comparable statutes from other states, to

determine whether the present Maine statutes concerning divorce operate clearly and equitably, and if not, to recommend necessary changes to those statutes; and be it further

ORDERED, that the Council report the results of its findings together with any proposed recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this order be transmitted forthwith to said agencies as notice of this directive.

Comes from the Senate read and passed.

In the House: the Order was read and passed in concurrence.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

An Act Creating the Post-secondary Education Commission of Maine (S. P. 344) (L. D. 1160) which was enacted in the House on June 10 and passed to be engrossed as amended by Committee Amendment "A" (S-134) as amended by Senate Amendment "A" (S-248) thereto on June 5.

Came from the Senate with engrossment reconsidered and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-134) as amended by Senate Amendment "A" (S-248) thereto; and Senate Amendment "A" (S-379) in non-concurrence.

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

The following papers appearing on Supplement No. 13 was taken up out of order by unanimous consent:

An Act to Create the Maine Fishing Gear Damage Fund (H. P. 1489) (L. D. 1681) which was enacted in the House on April 23 and passed to be engrossed on April 15.

Came from the Senate with Engrossment reconsidered and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-374) in non-concurrence.

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

The following paper appearing on Supplement No. 14 was taken up out of order by unanimous consent:

An Act Relating to School Dropouts and to Potential School Dropouts (H. P. 1442) (L. D. 1702) which was enacted in the House on June 10 and passed to be engrossed as amended by House Amendment "A" (H-571) on May 30.

Came from the Senate with Engrossment reconsidered and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-377) in non-concurrence.

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

The following paper on Supplement No. 12 was taken up out of order by unanimous consent:

Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24)

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

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

Mr. DeVANE: Mr. Speaker, will we get

a report from a member of the Conference Committee?

The SPEAKER: The gentleman from Ellsworth, Mr. DeVane, has requested that a member of the Conference Committee explain the contents of the bill.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The second Conference Committee met last night and again early this morning and finally this afternoon in order to work out what we feel is a reasonable and decent compromise to achieve a long sought goal of both political parties of the abolition of the Executive Council. The controversy has been basically revolving around who would be the confirming body for such appointments that the legislature deems should indeed be confirmed.

The compromise, and what I think is more than a compromise, the proposal, which I think is best for the people of Maine is one where a legislative committee, is defined by statute, or committees bearing a reasonable proportion between the House and the Senate would hold a hearing and make a decision as to whether or not the individual appointed by the Governor would be confirmed. At such time, the committee would take a vote. The majority decision of that committee is subject to review by the Maine Senate. If the Senate disagrees with the recommendation of the majority of that committee and overturns it by a two-thirds vote, then the recommendation is overruled. If the Senate fails to overturn said recommendation, it becomes final.

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

Mr. COONEY: Mr. Speaker, in that this is a momentous vote, and I am sure we would all like to be recorded in the affirmative, I ask for the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't try to deceive the people of the State of Maine and try to tell them you are doing away with the Executive Council when you really are further complicating the matter of appointments, you are not doing them any favor. If you wanted to do something, I think the thing to do is to try to start by degrees.

First, you should eliminate the duties of the council given to them by this House and then, after that has been done, we will see what we can do with what is given to them by the Constitution.

I would like to see something done about the Executive Council, I am not satisfied either, but I am not satisfied with what we have before us, it is even worse than what we have now. Just because it was written in a certain political platform or two political platforms, they think something has to be done about it, hastily. That is not the way to do business.

I am sure you would be doing the people in the State of Maine a disfavor in sending this type of legislation out of them. We couldn't agree on anything and now a few men have a conference last night and this morning and come up with something they think we can support. I can't support anything like that, the people in Maine don't support it either, at least the people where I come from. They are not easily fooled. You are not going to deceive them by doing this and you are going to make people like Longley even stronger. So if you decided to pass a bill like this, don't

count on my vote and I think you would be wise if you didn't vote for it yourself.

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

Mr. BURNS: Mr. Speaker, the supplemental sheet does not say that Amendment S-381 has been put on the bill, it has hasn't it?

The SPEAKER: The Chair would answer that it has and is part of the bill.

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

Mr. CARPENTER: Mr. Speaker, I want to clarify one thing regarding — that is what I thought Mr. Burns was getting at. If you read that enactor, you may have some questions. This is L. D. 24, originally submitted by the gentleman from Gorham, Mr. Quinn, I believe. We had a number of bills before State Government and we decided to put this one out and that is why it says, "and reassign his constitutional powers to the Governor." Don't be deceived by that. The constitutional powers are not going anywhere except exactly where Mr. Tierney has told you.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: This made my second term on the State Government Committee. We wrestled with this all through the 106th. We thought we presented a good bill but we had very intensive lobbying against the bill by the then Executive Council. I think they can take credit for killing the bill last year.

We have labored over this this year, we have worked in a spirit of compromise. Some of us are dedicated to the Constitution to the State of Maine and the Constitution of the United States and I am one of them, and I do think this is a step forward and I would urge you to vote for it.

Mr. Dudley raises the question that there should be some statutory changes made. It is very unwise to make the statutory changes prior to the citizens of the State of Maine having accepted the constitutional amendment. Once the amendment is accepted, and I hope it is, then the statutory changes can be made and those statutory changes must be approved by a two-thirds vote of the House and the Senate.

I would advise you that in the four year study that we have had, we have collected a tremendous amount of data as to what changes must be made throughout the statutes that now exist. So, if the public does accept this amendment, it is not going to be as difficult a job as you would realize because of the great length of time and effort that has been put into the work necessary to present you with the proper statutory changes.

I would urge and plead with you to take this step forward today.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I am a little disturbed over the rapidity, the speed, that this is being moved through the legislature. We have had this amendment for about an hour and, frankly, I guess I have spent some time going over the Constitution and it has been a subject and an area that I have been quite interested in, and to move this quickly bothers me somewhat.

I have tried to compare this amendment to some of the language presently in the

Constitution and there are two or three areas that are of minor importance that probably don't bother me too much that I can accept. I think I would have to have the answer to one question though and that is Article 6, Section 6, relative to judges and registrar of probate, in which they are not subject to confirmation. They presently are subject to the confirmation of the Governor with the advice and consent of the Council, but that language is all taken out and if a justice or judge of probate should die or resign, immediately after his being sworn into office, a Governor would have the right of appointment to either the judge or registrar of probate, or at least this is the way it appears to me, without any form of confirmation, and I would inquire as to why that decision was made?

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to be able to answer all the questions and I hope my friend from Durham, Mr. Tierney, being an attorney, can answer. But as you will notice in both the Statement of Facts and in the question which will be put to the voters, at the bottom of Page 7, there is some question as to what will the question look like. The fact that Notary Public was dropped from the Constitution, we have made provisions in the law to take care of the reappointment of Notaries Public and the State Government Committee, this year, passed out a bill giving the reappointment. We don't feel that it is necessary. We have thousands and thousands of them in the State of Maine, and I don't feel it necessary that they should be confirmed by either the Council as it now exists or the new proposal that we are offering. On the judges of probate, I was under the impression that these were already dropped from the existing Constitution. I may be wrong.

I would ask the constitutional attorney to help me.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise with some trepidation after such a glowing account of my very brief legal career.

I will try to answer my good friend from East Millinocket. As he so well knows, Article 5, Section 8, does exempt from the judicial officers which must be confirmed, judges of probate and then in Article 6, as he so well again points out, such judges and registrars of probate elected by the members of the county, if they do die, that the Governor can make an appointment without confirmation as far as the Constitution requires.

I think the feeling behind the Conference Committee was that there was no need to encumber the Constitution with this necessary requirement but at the same time, we in no way preclude the requirements of such confirmation through statutory change.

I hope that answers the good gentleman's questions.

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

Mr. BIRT: Mr. Speaker, I am not sure that it answers my question because at the present time the confirmation is required

in the Constitution and with this, it is true, we can make it statutory but I guess I am at a loss to understand as to why the confirmation is taken out of the Constitution?

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

Mr. DeVANE: Mr. Speaker, I would like to direct to the members of the Conference Committee two questions. First, if an appointee has a hearing before the appropriate — I think that is the word that was used — joint committee of the legislature, who is the final arbiter of which committee is appropriate? I would like to know who decides which committee is appropriate because we see a great deal of jockeying, if you will, in terms of what bill goes where, and we all know why, and I think that the jockeying would be even more severe in terms of who goes where, so I would ask that one question: Who is the final arbiter of which is the appropriate committee?

The second question, if I understand the proposal correctly, a majority of the Senators — I think in this context, sir, it is necessary to mention the other body can sustain the opinion of a majority of the committee, is that incorrect? No, no, the question, sir, as I understand it, is this. The nominee has a hearing before the committee, the committee report is 7 to 6 ought to be approved, a simple majority of the Senate — two-thirds? I stand corrected and I thank you.

May two thirds of the Senate override a unanimous report of a joint standing legislative committee after it has been selected as appropriate?

The SPEAKER: The gentleman from Ellsworth, Mr. DeVane has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the gentleman's first question as to the final arbiter of the appropriate committee is that the Legislature itself is the final arbiter of the appropriate committee, because all of this constitutional provision would have to be supplemented by enabling legislation which, under the terms of this section of the Constitution, must be passed by a two-thirds vote of both Houses of the Legislature. Again, the final arbiter of which appropriate committee would hear which particular nominee shall be set by statutes by a two-thirds vote of both Houses of the legislature.

The answer to the second question, may two thirds of the Senate override an unanimous committee report? The answer is yes, it can, and in doing so, obviously it would have to be overriding the unanimous report of the three Senate members on that committee which I, at least as one semi-experienced legislator, feels would not happen too often.

To return to the question of Mr. Birt again just momentarily, I would, of course, reiterate that there is nothing in the statutes which precludes confirmation by any system which we deem necessary for a registrar of probate who dies in office, but I would like to remind the good gentleman from East Millinocket that such an appointment by the Governor is only an interim appointment until another election can be held and so this is one more reason since it was only a brief appointment that we didn't want a temporary one until the next election was

held. We do not feel that we would like to encumber this election by Governor with the confirmation problem.

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

Mr. BIRT: Mr. Speaker, I have been on this a couple of times but I still think I would have objections to that particular point. The appointment, once established, gives whoever the candidate is, if he has a desire to continue, a built-in advantage. I guess I am still bothered to the extent that I am afraid that I might not be able to support this particular provision unless there are those changes.

I am probably a strong supporter, at the present time, of abolition of the council, but I guess I also am a strong devotee of the provisions of the Constitution. I think I always have been and I think if we are going to do this, we should do it right and the holding up of one day to correct this I don't think is going to make that much difference. I do think we would be making a mistake if we make this move and if we do vote for enactment on this, I am afraid I will vote against it.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I think to just clarify again Representative Birt's concern, in respect to judges of probate, as Mr. Tierney has mentioned, they are elected and they are not subject to confirmation under the present Maine Constitution. Neither, under the Maine Constitution, are Notaries Public, they are confirmable by the Council, but in terms of the question of the judges of probate, they aren't subject to confirmation presently under the Maine Constitution.

Mr. Birt of East Millinocket was granted unanimous consent to speak a third time.

Mr. BIRT: Mr. Speaker, to reply to the comments that have been made by the gentleman from South Portland, Mr. Perkins, if I understood him correctly, it is true, they are not subject to confirmation, but the point that I am working on is that the vacancy, if created by death or resignation, presently is subject to confirmation and as I understand this particular provision, it would not be subject to confirmation and I think that is the point that is bothering me.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I would simply say that we are always so near and yet so far. I have been here several semesters and I have seen this come before this Body and I have seen everyone arranged and all agreed and then, at the last moment, for some small reason, this Constitutional Amendment would be defeated. I have heard it debated many, many hours, I have heard all the things discussed, hashed, rehashed, but I think, today, through the tremendous efforts of the State Government Committee who have labored hard this session with this most important change and most important to the people, and to this Conference Committee and the hard work and the astuteness and the intelligence of all of the members of this committee and have come up with an answer to this problem, and of course we do have a further safeguard, because it is going to go to the people and they will make the final determination. I hope after

the several years that I have been here and listened, I hope that we can move ahead this evening and adopt this resolution to the Constitution.

Mr. Birt of East Millinocket, was granted unanimous consent to address the House a fourth time.

Mr. BIRT: Mr. Speaker, I am going to take very violent objection to the statement that was just made because that is not a small statement that I am working on, a small point. I think I am just as sincere and honest in wanting to abolish the Council as anybody on the floor of this body, but I object very strongly that the inference that I am picking on a small point to try to cloud this issue and stop it. I think the gentleman from Brewer is completely wrong in his statement. If we want to do this job, let's do it right and to put this off until tomorrow morning, if I have a valid point to correct it, is not altogether wrong.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: If the gentleman from East Millinocket, Mr. Birt, thinks I was inferring that he was dragging any red herrings across this thing, I apologize because I did not. I was simply reiterating that over the past 8 years, this measure has come right to the barn door, and every time it gets to the barn door, for one reason or another it is killed, it doesn't pass. And by no means do I mean to attack the integrity of my good friend from East Millinocket, I am sure he is very sincere. I do think, however, that this is thing, from the explanation that we have had on the question, I do think it is a matter that can be resolved by statute. I don't think really that it would be all that harmful.

I don't begrudge the good gentleman his opinion on it, but I think it is a matter that can be resolved very easily by statute.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, we have been here since January, this is now June 26th and we come to the zero hour, the last hours, with a bill that goes to conference and back to another conference, and so forth, when the people really want it. I would like to see something done about the Council, I can't buy something as hasty as that when we have had all winter and they couldn't agree and now they still can't agree to any great extent without these Committee of Conferences and you know, I am sure that the people of Maine, from what I hear and see, they don't want a weaker Governor, they want a stronger Governor. We have had some good ones since I have been in this House. We had Senator Muskie, Clauson, Curtis and we have this man in the front office now, and every one of them was elected by quite a majority of the people and they want them to have some strength and they think we are down here trying to tie his hands behind his back. This is what the public thinks right now. I noticed in the Kennebec Journal this morning — the chuckle for the day, I hope you read it — this is the thoughts of the people and this is what the press is conveying. Now, in the waning hours of this legislature, we want to further try to tie his hands so he can't appoint anybody without dragging it on for six months or a year.

I hope we use good judgment and have something that we can have a little bit more time on and don't try to confront the

people of the State of Maine with this with so many uncertainties in it.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I concur with part of what the gentleman from Enfield said. I think it is moving a little too fast and it certainly is for me. This is not a complete package, it is part of a package and the rest of it will be along later and Lord only knows what the rest of it is going to be. I most certainly am not trying to cloud the issue, I am dead set against the issue, this particular issue.

There was a proposition that was here a week or so ago that I could have gone along with and would have gone along with. Since then, two or three Conference Committees have met and we get a whole batch of scrambled eggs and I am not really too fond of scrambled eggs, and I think probably I could suggest a proposal that might be even better than this one. I would like to just try it to see how it sounds.

Now, supposing that we came up with a seven-member council and supposing from each council district, we elected one person, the legislative delegation from that district elected one person and these people were given certain powers, such as confirming people that has been posted by the Governor, dispersing funds, etc., when we are not in session. That sounds like a pretty easy arrangement to me and I think it is probably quite a lot similar to one that we have had around here because that is just exactly what I am describing and I think if you hadn't had it and had something like this, you most certainly would like something that is as simple as I have just described.

I can't really sit down without mentioning the fact that three or four people on the floor of the House today and a couple up back, and these people were people from the opposition party, have all stated how eager they are to get rid of the Executive Council. You know, that is really fantastic, because in all their eagerness in the last four or five sessions, why didn't they do it? They could have done it, very simply, they were the majority party and they could have done it, they didn't elect to do it. Now all of a sudden, as Mr. Dudley says, the waning hours, everybody is hot to go on a half-baked package like this.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would remind the gentleman from Buxton, Mr. Berry, that even though the present minority group in this House was the majority two years ago, a majority does not pass a Constitutional change, it takes a two-thirds vote. There certainly were Republican defectors, I was not one of them. There was certainly Democrats who felt the same as Mr. Dudley did that did not go along with this. We could not get two thirds, a simple majority was easy to obtain.

The gentleman from Buxton, Mr. Berry, refers to another bill which was before us and which I signed and which had the same procedure that he has just spoken about, the delegates from that district would elect the councilor, if the majority of the members in that district were Democrats, they would elect a Democratic councilor, if they were Republicans, they would elect a Republican councilor. That bill was reported out with two "Ought to pass" signatures. It got one or two votes in the other body and probably wouldn't have

had any more in here than a half a dozen more and it died, as many other bills do. If we spend all our time crying over the bills that never came to fruition, we will be here a long, long time.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: In the 16 years that I have been in these hallowed halls, I don't know of any bill that has had more discussion, more polls taken, than the abolition of the Governor's Council.

I want to commend the members of the State Government Committee for the work that they had done on this bill, but I would remind you that no bill is perfect and this has been the cry in every legislature that I have served — there is something wrong with the bill. I don't say that on the record or off the record or in any other way, that any particular member of the House was delaying the tactics and the passage of the bill. Nevertheless, we never seem to get anywhere. The people in the State of Maine have demanded that we abolish the Governor's Council as long as I can remember. Now we have the opportunity with a vehicle that I am sure can do the job. I hope that in this hour of decision, we can make up our minds and do something that the people of Maine want us to do, and that is to abolish the Governor's Council.

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

Mr. DEVANE: Mr. Speaker, Ladies and Gentlemen of the House: On every occasion that I have spoken in this House, I have spoken of the membership. On this one occasion, I would like to say something strictly for the record because I am a Democrat, who in the course of campaigning opposed the reduction of the size of this House and was opposed to the abolition of the Executive Council. I am going to vote for this proposition because Mr. Tierney and Mrs. Snowe and Mr. Carpenter and the Senate conferees have done everything that they can do. It is not perfect, but I suspect that if the Republican Party over the years has finally seen the light, then maybe even I can, but I have great misgivings. If any of you are not tired and would like to hear them, I would be glad to tell you.

I am going to vote for this, but I would like to say on the record that there is more mischief here than what there is there. But if the consensus of this House in 25 years experience for some of you people in this House say it is better, I am willing to go along and if I ever come back, I will point it out.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I, too, feel a lot like the gentleman from Enfield, Mr. Dudley. I can't go along with this. I think that a bill that has been filed on December 9, 1974, has been around the legislative mill quite a while and to surface in the matter it surfaced today on June 26, with a lot of questions still unanswered, nothing shown, only what is proposed to be done to take the place of the council. I think we are going to have a lot more problems, if this goes this way, than we have with the present council.

I am not sure that really the people will ever understand when this goes to them in a question just what they are going to buy. This is another one of those worded questions where they are going to vote not understanding what they are voting on.

I have never been willing to vote for a bill that is only a supposition of what can happen. I would like to see something in writing, I would like to be a little assured of what I am voting, although I know that there is always the matter that it can be changed even after you leave here at night and you get back the next morning.

I think the vote today for this is not being responsible, I think it's irresponsible legislation when you vote for something and no one knows only what is presented as a proposition with nothing concrete.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late. I had every intention of not being here this late this evening but I feel that this bill is very important. I have watched the Council in operation and of course, as you all know, I am the only living alumnus of the Council that is a member of this body. I have certain nostalgia for the Council, it has been in the Constitution for a great many years, but the people of the State of Maine have said many times that they want the Council removed.

The proposition that we have before us tonight speaks to the problem that has been the greatest problem the Council has faced and that is, participation by an elected body, elected by the people, and you will have that very thing. You will have here confirmation by a standing committee which is subject to confirmation by the Senate. You have good control here. I am going to vote for this proposition, I urge all of you to. I don't think there is any chicanery, I don't think there is anything that is fooling around, we all know what is going on, the people know what is going on and I urge you to vote for it.

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

Mr. PERKINS: Mr. Speaker and Members of the House: In efforts to try to allay again Representative Birt's questions, I have just checked out the problem in respect to the Judges of Probate. The Constitution specifically exempts the Judges of Probate from nomination and confirmation because they are elected individuals and the only elected individuals in the judicial system; consequently, they had to make specific reference to an exception and that has been carried over into the proposed amendment.

Under Article VI, Section 6 the reference is the same for procedures involving vacancies wherever there is a confirmation of those that may be filling a vacancy. In the case of Judge of Probate, under the present system if there is a death, until the next election, he will be appointed by the Governor and confirmed by the Council. The confirmation powers, because of this proposed amendment, will be dealt with through the procedures involved on Page 2, just as with any other confirmation and would go to the appropriate joint standing committee. Consequently, it is no different under this proposed amendment other than for who would actually do the confirming and that is the joint standing committee. That exception as to Probate Judges is misleading only because they have to put it in there because they are elected individuals. I hope in some way that may be satisfactory.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: Let us not be too hasty in fooling around with our Constitution. Let us bend our efforts towards searching out and producing for the capital scrutiny for the people the detailed plan for an ideal group to aid and advise the Governor. If the people like it, they will support it, but I feel we should never make changes just for the sake of change and until someone does produce an acceptable alternative, I shall continue to believe our Executive Council is performing a very important function in our state government.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I realize that there are a lot of doubts with many people concerning the bill in front of us and I think that perhaps we are over anxious in assuming that by our vote here tonight, we are, carte blanche, just changing the whole situation. I don't think that is the situation at all, I think we have many, many hurdles to pass even if we pass this tonight and we should consider those and, therefore, I think there are obstacles in the way of this to give ample time for all people to think about the pros and cons.

If you will notice especially the conference committee recommendations for abolishing the Executive Council, the white sheet of paper passed out here; notice the very bottom first. There is a study order to, the joint order will direct the State Government Committee to prepare the draft of the statutes over the summer. Then these statutes have to be passed by a two-thirds vote of the members of both branches. It seems to me there will be a great deal of debate, a great deal of discussion as to the validity of the things we are trying to do.

I don't think we are taking a giant leap now into a pool and coming up with a bloody head like our good friend from Kittery did the other day. There is still a lot of deliberating to do on the measure and I don't think it is of that consequence at the moment.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: One thing that concerns me, are the people who have written this bill assuming the legislature will always be in session? If not, we are going to have one committee after another meeting in Augusta and I expect they will get mileage and expect to get paid. It seems to me this is going to be a much more expensive proposition to the taxpayer of Maine. That is all right when we are in session, but I'm still going along with not regular sessions, annual sessions, even if we were in annual sessions, I hope we wouldn't be here the whole year.

It looks to me like if we pass this we are going to have first one standing committee and then another one in here to confirm an appointment. That means certain members of that committee coming from Fort Kent and the next one coming from Kittery, a lot of mileage involved and probably nice lodging and so forth. It seems to me this is going to run into a lot more money for the taxpayer if it is carried in this manner unless they are assuming we are going to be in session the year round every year.

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

Mr. Tierney; Mr. Speaker and men and Women of the house; to respond briefly to the good question from my good friend Mr. Dudley, I guess the way to start would be say that we have taken every effort possible to make major positions coterminous with the governor's term, so the appointments he would make would be in the six months after he takes office and the vast bulk of these appointments would therefore take place while we were in session, that is point number one.

Point number two, I think the good gentleman from Enfield realizes that our current executive councilors, all seven of them, are paid the same salary we are when they are not here, they won't be paid; when they don't exist, they won't be paid. I feel this is a substantial financial savings, something that the people in Mr. Dudley's district will probably be quite pleased about.

I guess the real substantial question raised was the question raised by Mr. Berry when he said "well, I have another idea, perhaps seven members elected by delegations, etc." and the answer to that question, I was really thinking about which way we ought to go last night as I was driving home and I stopped for gas and the kid who decided to put some gas in my tank, I asked him and I said, have you ever heard of the Executive Council? He said, no. I said, well, what do you think ought to happen when the Governor appoints a Judge, and he said, well, somebody had better check on the Governor because he might have appointed somebody who is prejudiced or something like that. I said, well, who should it be, should it be an Executive Council, who should do that confirmation? He said, I think the legislature ought to do it because I think, you know, we had something to do with choosing them. I think that conversation I had with that gas station attendant really sums up the whole issue because what we are looking for is a more responsive means of confirming our public officials. The confirmation must be done by someone who is accountable to the electors and if you believe in democracy, in the integrity of the voters, logic inescapably moves you to that position.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: It is easy to stand up here and debate when you know you have 100 votes with you. It is most difficult to stand up and debate when you know that you don't have those votes with you. But I think when we take a major constitutional change such as this, that we have watched over 150 years and we have seen the pressure of the news media say that this is the answer to better government in Maine and we have seen parties put in their platform, that this is what the people want, I think we also should ask something a little deeper. This nation or this state was born and stood for a very fundamental concept and that was, there should be a balance of power, a check and balance system between the Executive and the Legislature and the Judicial. In Maine, we have been very strongly for this balance of power and all through our years there has always been the proponents who said "we could have better government if we gave more power to the Executive and less check and balance over the Executive's role in government."

Today, when you vote on the Executive Council, this happens to be the major issue you are voting on, it is not how many people are for it and how many people are against it and what parties, both parties evidently are for it, it is saying, should the leadership of this state whoever he is, should he have seven men to balance his power and making his decisions on who shall be the bureau heads, and they are the men who run the state after we put in the money or the appropriations which they will use, or should those seven men have a say over this? Also, should those seven men have a say on all transfers of funds and when our appropriations bill goes through and all those funds which are over a billion dollars biennially now are spent, there is a legislative checking balance on how those funds should be spent by us appointing an Executive Council. Also, with many people this has been their arch enemy for years, should the emergency funds, the million dollar contingency fund, be allowed to be spent by the Executive Council and the Governor? These are the major points of what you are voting on.

As I said before, it is most difficult to stand up when the votes are not there, but I think any legislator who believes in something should stand up for what he believes in and should speak out because it is the tradition in Maine, which he was born in, which he was raised in and which he believes in, that in government there should be a check and balance system.

If the Executive Council is defeated here tonight, one would only hope that that check and balance system exists in another way, even though I would say in a much weaker way. And from there, I should not say any more.

The pressure is heavy, leadership is putting the pressure on that much heavier, it has meant so much that we have stayed here to this late hour.

I will say this when you see news media, you see controversy, because that is what the public likes and that is what sells news media, and I wonder if the Executive Council is eliminated and the Executive and the Legislators don't have someone to pick on and someone to abuse and say someone we have to get rid of to have better government, who they will turn to next, because I guarantee you, they will turn next to somebody else.

With that, I only hope that the good strong government we have known in Maine, we have been raised by in Maine, can be retained in Maine and if it is not retained, may what we have in the future not be at a less advantage to a check and balance system that means each individual under the Constitution has a right to his rights regardless of what position in government or what position in the economy he may attain.

At this point, by unanimous consent, Rule 22 was suspended.

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

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

The SPEAKER: The pending question is on passage to be enacted of Resolution Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor, House Paper 16,

L. D. 24. This requires the affirmative vote of two thirds of those present and voting. All this in favor of this Resolution being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Boudreau, Burns, Bustin, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Cooney, Cox, Curtis, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Farnham, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lynch, MacEachern, MacLeod, Martin, R.; Maxwell, McBreairty, McKernan, Miskavage, Mitchell, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Tarr, Theriault, Tierney, Torrey, Tozier, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Albert, Ault, Berry, P. P.; Birt, Bowie, Call, Conners, Connolly, Dam, Dudley, Finemore, Gould, Gray, Hunter, Hutchings, Immonen, Kelleher, Kelley, Littlefield, Lovell, Mackel, Mahany, Perkins, T.; Post, Rideout, Rollins, Silverman, Strout, Twitchell, Walker, Webber.

ABSENT — Blodgett, Byers, Carroll, Cote, Curran, P.; Curran, R.; Dyer, Farley, Hughes, Jacques, Kauffman, Kennedy, Laffin, Lunt, Martin, A.; McMahon, Mills, Morin, Mulkern, Susi, Talbot, Teague, Truman.

Yes, 97; No, 31; Absent, 23.

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

Signed by the Speaker and sent to the Senate.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 15 were taken up out of order by unanimous consent:

Senate Reports

An Act Extending Collective Bargaining Rights to University of Maine Employees (S. P. 243) (L. D. 827) which was enacted in the House on June 18 and passed to be engrossed as amended by Committee Amendment "A" (S-288) as amended by Senate Amendment "A" (S-311) thereto on June 17.

Came from the Senate with Engrossment reconsidered and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-288) as amended by Senate Amendment "A" (S-311) thereto, and Senate Amendment "C" (S-383) in non-concurrence.

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

An Act to Establish the Maine Vocational Development Commission (Emergency) (H. P. 1458) (L. D. 1785) which was enacted in the House on June 6 and passed to be engrossed as amended by

Committee Amendment "A" (H-533) on May 30.

Came from the Senate with Engrossment reconsidered and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-533) and Senate Amendment "A" (S-380) in non-concurrence.

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

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

On motion of Mr. Rolde of York,
Adjourned until ten o'clock tomorrow morning.