

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, February 5, 1976

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

Prayer by the Reverend Philip Poland of Whitefield.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate:

Bill "An Act to Establish the Waldo County Transportation Authority" (S. P. 680) (L. D. 2171)

Came from the Senate referred to the Committee on Transportation and ordered printed.

In the House, referred to the Committee on Transportation in concurrence.

**Messages and Documents**

The following Communication:

State of Maine  
Office of the Governor  
Augusta, Maine

February 3, 1976

The Honorable Joseph Sewall  
President of the Senate

The Honorable John Martin  
Speaker of the House

Dear Joe &amp; John:

This will acknowledge receipt of your January 30th transmittal of the analysis of the State's financial condition as determined by the Appropriations Committee. Thank you for forwarding this information to us and thank you again for allowing members of my staff to be present at the meeting where this information was presented to the news media.

In response, I will repeat the following points which I believe members of my staff expressed at your meeting:

(1) We in the Executive Branch do not take issue with the approach taken by the Committee in determining the state's problems. I believe both branches must do this type of preliminary work in anticipation of solving our mutual problems.

(2) We are at issue at this point with the Committee's projected revenue shortfalls for both years of the biennium.

(3) We commend the Committee and Leadership for pointing out in the report that the \$18 million projected deficit for the first year would be reduced to some \$2½ million if:

(a) The Governor's proposals for resolving the \$8.6 million education deficit were enacted.

(b) Consideration is given to the approximately \$7 million in cost savings being realized by the Executive Branch to guard against first year revenue shortfalls.

We believe it is crucial to separate the problem in that manner and that is precisely the reason we have repeatedly said that the education deficit should be resolved before we tackle a new education funding law and a new budget for the second year.

We are reassessing the financial situation daily and will make every effort to keep the Appropriations Committee and the full Legislature informed. We hope, in a very short time, to be able to make specific budget recommendations to the Legislature.

We are deeply appreciative for the

expression by Leadership that it is willing to work on an equal partnership basis with the Executive Branch to identify further cost savings, and if necessary, to identify and cut low priority programs to fund necessary services and avoid a tax increase. I think good government demands that this be done whether we are trying to avoid a tax increase, balance a budget or whether we are simply trying to make government more fiscally responsible.

It is important for us to keep in mind that we have both a known and an unknown problem at this point. Of course, the unknown is the revenue situation. We are constantly reassessing our position in this regard and will not hesitate to make adjustments in our estimates if the situation arises.

The uncertainty of revenues makes it all the more important for us to immediately address the known problem . . . that is the education deficit for which we have offered solutions.

Very truly yours,  
(Signed) JIM  
James B. Longley

PS: You should know that even since this letter was dictated, we have again undertaken an analysis not only of our own budget estimates but also those of the Legislature. While receipt of the corporate income tax returns on March 15th will provide us with the most accurate revenue picture, we still plan to monitor the situation on a daily basis.

The Communication was read and ordered placed on file.

**Petitions, Bills and Resolves  
Requiring Reference**

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

**Legal Affairs**

Bill "An Act Amending the Charter of the Caribou Hospital District" (Emergency) (H. P. 2005) (Presented by Mr. Peterson of Caribou) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635 as amended) (Ordered Printed)  
Sent up for concurrence.

**Taxation**

Bill "An Act to Improve the Equity of the Maine Income Tax" (H. P. 2006) (Presented by Mr. Morton of Farmington) (Ordered Printed)  
Sent up for concurrence.

**Referred to Committee on  
Election Laws**

Mrs. Boudreau from the Committee on Election Laws to which was referred the study relative to the election laws as provided in Title 21 of the Maine Revised Statutes and related Titles, pursuant to H. P. 1646 of the 107th Legislature have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to Campaign Reports and Finances" (H. P. 2004) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Bill referred to the Committee on Election Laws and sent up for concurrence.

**Referred to Committee on  
Taxation**

Mr. Maxwell from the Committee on

Taxation to which was referred the study relative to Railroad Excise Taxation, pursuant to H. P. 1518 of the 107th Legislature have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Remove the Minimum Mandatory Tax from the Railroad Excise Tax Formula" (H. P. 2003) (L. D. 2179) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

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

**Orders**

Mr. Curran of South Portland presented the following Joint Order and moved its passage: (H. P. 1998)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Red Riots of South Portland Cross Country Track Team State Champions for 1975 and 2nd Place Winner in New England Competition

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

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

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

Mr. Curran of South Portland presented the following Joint Order and moved its passage: (H. P. 1999)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Red Riots of South Portland Football Team Southwestern Maine Class A Champions for 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 Order was read and passed and sent up for concurrence.

Mr. Curran of South Portland presented the following Joint Order and moved its passage: (H. P. 2000)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Joseph Belyea of South Portland Individual State Cross Country Track Champion for 1975 and 2nd Place Winner in the New England Championship

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

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

Legislature and the people of the State of Maine.

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

Mr. Hughes of Auburn presented the following Joint Order and moved its passage: (H. P. 2001) (Cosponsors: Mr. Drigotas of Auburn, Mrs. Lewis of Auburn, Mrs. Snowe of Auburn)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Coach William Finch and the Edward Little High School Golf Team State Champions for the Academic Year 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 Order was read and passed and sent up for concurrence.

On Motion of Mr. Hughes of Auburn presented the following Joint Order and moved its passage: (H. P. 2002) (Cosponsors: Mr. Drigotas of Auburn, Mrs. Lewis of Auburn, Mrs. Snowe of Auburn)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Edward Little High School Boys' Ski Team Coached by Don Towle, State Champions for the Academic Year 1974-75

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

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

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

#### House Reports of Committees Leave to Withdraw

Mr. Cooney from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Provide that the House of Representatives shall, Beginning on the Day Next Preceding the First Wednesday after the First Tuesday in January of 1985, Consist of One Hundred and Thirty-two Members Instead of One Hundred and Fifty-one (H. P. 1895) (L. D. 2075) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Consent Calendar First Day

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

(S. P. 624) (L. D. 1978) Bill "An Act Relating to Animal Welfare" (Emergency) — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-394)

On the request of Mrs. Najarian of Portland, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-394) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

(H. P. 1912) (L. D. 2099) Bill "An Act Authorizing the Capitol Planning Commission to Assume Certain Functions now Performed by the Bureau of Public Improvements" — Committee on State Government reporting "Ought to Pass"

(H. P. 1908) (L. D. 2095) Bill "An Act Authorizing the Town of Harpswell to Procure a Replica of 'The Maine Lobsterman'" — Committee on Marine Resources reporting "Ought to Pass"

(H. P. 1913) (L. D. 2100) Bill "An Act Designating March 15th as Maine Day" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-870)

(H. P. 1833) (L. D. 1998) Bill "An Act Relating to Fiscal Year Transitions for Municipalities" (Emergency) — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-871)

(H. P. 1877) (L. D. 2052) Bill "An Act Concerning Individual Qualified Retirement Plans" — Committee on Business Legislation reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 6, under listing of the Second Day.

#### Consent Calendar Second Day

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

(H. P. 1931) (L. D. 2118) Bill "An Act Relating to the Holding of Property by the Home for Aged Women in Bangor" (Emergency)

No objections being noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

#### Second Readers Tabled and Assigned

Bill "An Act to Correct Certain Inequities in the Motor Vehicle Law" (Emergency) (S. P. 641) (L. D. 2030) (C. "A" S-395)

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

(On motion of Mr. Garsoe of Cumberland, tabled pending passage to be engrossed as amended in concurrence and tomorrow assigned.)

Bill "An Act to Appropriate Funds for Expenditures of the First Special Session of the 107th Legislature" (Emergency) (S. P. 617) (L. D. 1949) (H. "C" H-868 and H. "B" H-866 to C. "A" S-393)

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

(On motion of Mr. Rolde of York, tabled pending passage to be engrossed as amended in non-concurrence and tomorrow assigned.)

#### Passed to Be Enacted

An Act. Converting Osborn Plantation into the Town of Osborn (S. P. 621) (L. D. 1953) (H. "A" H-861 to C. "A" S-392)

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

engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

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

Bill, "An Act Correcting Errors in Law Governing Use of Animals in Schools" (H. P. 1989)

(Committee on Reference of Bills suggested Committee on Agriculture).

Tabled — February 4 by Mrs. Najarian of Portland.

Pending — Reference.

On motion of Mr. Davies of Orono, retabled pending reference and tomorrow assigned.

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

Bill, "An Act Concerning Certain Nonprofit Hospital or Medical Services Organizations" (H. P. 1990)

(Committee on Reference of Bills suggested Committee on Business Legislation)

Tabled — February 4, by Mr. DeVane of Ellsworth.

Pending — Reference.

Thereupon, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

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

Bill, "An Act Concerning the Geologist and Soil Scientist Certification Act" (H. P. 1993) (Committee on Reference of Bills suggested Committee on State Government)

Tabled — February 4 by Mr. Rolde of York.

Pending — Reference.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: We seem to have a controversy over this particular bill as to where it should be referred. Yesterday, I tabled this item so that the Chairman of the Committee on Business Legislation could have a chance to look at it. I have a note from her today, and she said that in the 106th Legislature, An Act Relating to Certification Regulation of Geologists, reported out "ought to pass in new draft and new title" An Act Relating to the Certification and Regulation of Geologists and Soil Scientists. Business Legislation did handle this bill.

However, taking a quick look at the bill, it also does call for a change in the composition of the board that deals with soil scientists. So, I think there is a very legitimate question here how the bill could go.

I will make a motion that this be sent to Business Legislation, and if that is disputed, it will be up to this body.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: The Natural Resources Committee did have a bill before it in the regular session of the 107th Legislature dealing with geologist and soil scientist certification. We have dealt with this topic. We have had engineers in and we have listened to the debate. I think we are pretty well versed in this area and I actually think that it should be sent to the Natural Resources Committee, but if the Business Legislation Committee really wants it, they can have it.

The SPEAKER: The Chair recognizes

the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a little bit of confusion among the ranks. I served on State Government in the 106th, and I am quite positive we worked that bill all over. At times I have been sorry for some of the things that are in the bill, but it was quite a problem to us at that time. But the bill, I think you will find, came out of State Government and it belongs there now.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from York, Mr. Rolde, that this Bill be referred to the Committee on Business Legislation and ordered printed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 58 having voted in the negative, the motion did not prevail.

Mr. Peterson of Windham moved the Bill be referred to the Committee on Natural Resources and ordered printed.

Thereupon, Mr. Farnham of Hampden requested a vote on the motion.

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

Mr. QUINN: Mr. Speaker and Members of the House: This bill does deal with the composition of a bureau or a section of government and, as such, I think very clearly should fall within the province of the State Government Committee or set a precedent to send all these to various committees that have interests in areas of state government.

We certainly would be glad to invite the Natural Resources people to participate with us, but I do think it should be State Government.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Windham, Mr. Peterson, that this Bill be referred to the Committee on Natural Resources and ordered printed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 101 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter: Bill, "An Act Relating to the Maine Transportation Board" (H. P. 1858) (L. D. 2026)

Tabled — February 4 by Mr. Kelleher of Bangor.

Pending — Passage to be Engrossed.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: While I don't quarrel with the purposes of this bill, which I understand is to help railroads that are in financial difficulty, although the bill itself doesn't specifically say that, I think we are all looking to railroads to help us out of this energy crisis more and more.

My problems with this bill, and I think Representative Cooney was right yesterday when he said the title was misleading, it really should read "An Act Creating Maine Transportation Authority."

The language of this bill is very, very vague and it doesn't set up the

qualifications of when a railroad would qualify for this subsidy, it doesn't have any restrictions and limitations on the board in their duties and responsibilities, and the way it reads now, it looks like this board could be very arbitrary in which railroads it helped and could show favoritism. I really think a lot more work needs to be done on this bill. If it isn't done, it could prove to be embarrassing for this legislature later on.

I would move that this be recommitted to the Committee on Transportation.

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, moves that this Bill be recommitted to the Committee on Transportation.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Either the gentlewoman from Portland or I do not understand the contents of this bill. I know of nothing in the bill that talks about subsidy to railroads.

This bill is very simply a bill to enable railroads, when they want to purchase rolling stock, to go to a transportation board and have the board issue revenue bonds rather than the railroads themselves. The only advantage in doing it is that the bonds issued by the state would be nontaxable bonds, they would be tax exempt bonds for the individual buying them. So there is an advantage to the railroad, there is a chance to get the money in faster and there is a chance to issue the bonds more quickly this way.

The board is paid for by the railroads. If a railroad, for example, Bangor and Aroostook or Maine Central wanted to buy some rolling stock for a given project, it involves, of course, a lot of money. If they wanted to do that, they would go to the board and they would fill out an application and pay a thousand dollars, which thousand dollars would be used to pay for the members of the board and any expenses involved in issuing the revenue bond. If the thousand didn't take care of it, they would have to pay the balance. There is no obligation on the part of Maine. The bonds themselves are not state bonds, they are not backed by state credit nor are they morally backed by the State of Maine. The State of Maine has nothing to do with it except to act as a vehicle through which these bonds could be issued in order that the individual might buy them as tax exempt, tax free bonds, which makes them, of course, more acceptable and more marketable. That is basically all it does.

It is a railroad bill, it does assist the railroads. I think there is nothing mysterious or nefarious about it. It simply is a vehicle to be used whereby this state can assist the railroads. And certainly in this day of transportation difficulty, it would seem to me that the least we can do is provide a vehicle for which they are going to pay and which will assist them in raising money in the future should that need arise to buy rolling stock due perhaps to some increase in industry here in the State of Maine. This is enabling legislation only and certainly not in any way a tax to the credit rating of the State of Maine.

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

Mr. JALBERT: Mr. Speaker, I am an officer and stockholder of a major railroad in the state, and I think I am in conflict. Could I be excused?

The SPEAKER: Pursuant to Rule 19, Mr. Jalbert of Lewiston is excused from participation and from voting.

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

Mr. COONEY: Mr. Speaker, I would like to pose a question through the Chair to Mr. Palmer who seems so in favor of this particular bill. At a time of falling tax revenues and a great deal of difficulty raising tax revenues, I would just like to ask a kind of rhetorical question, at least rhetorical to me, why a business would want to lease equipment rather than buy or instead of leasing, buy equipment? There is only one answer that comes to my mind, and that is to avoid taxation.

Would Mr. Palmer or other supporters of this bill extend the tax exempt bonding privileges of the state to all businesses? And certainly aren't all businesses suffering today? Is that what we do with our tax exempt privileges, give them to whatever industry or business wants them? Is that the public interest, to give them to specific interests? I don't think so. Although the motion to recommit may have some validity, I have found the answers to this bill for myself, and the answers are that this is not the kind of thing that the State of Maine in 1976 should be involved in. This is the kind of thing we did with railroads in 1876 and it is a little out of date.

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

Mrs. KANY: Mr. Speaker and Members of the House: I, too, had some questions on this bill. I generally support the basic concept, but I wondered what the effect would be on the State of Maine in our revenue and our bond rating situation, so I did ask Rod Scribner, the State's Treasurer, for comments and have received permission from him to quote from his remarks, if you are interested. I asked him basically just for his comments, and he said that unless the legislature ever chose to use debt to make good on losses, this would not affect our credit rating in general obligation grounds. It would be remote for this to happen.

The advantages to the railroads are, number one, a savings of about one-third or so in interest costs when borrowing; and, number two, complete avoidance of the 5 percent state sales tax, which could be considerable. Because of this, I support the bill, but I think it would be a good idea to research potential sales tax loss and would support Representative Najarian's suggestion to recommit this to the Committee on Transportation where they could perhaps look at this more thoroughly.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: In answer to the heading on this, I spent some three quarters of an hour yesterday with Legislative Research and the Legislative Finance Office checking this bill completely through, leaving it with them and then spending some other half hour and they got back to me later and told me there was no trouble with the bill.

As far as the heading is concerned, relating and creating, it doesn't affect the bill one single bit.

I might add, too, I don't think we are giving the railroads anything, but I do think they need a little help. We are practically the only small railroads in the United States that aren't receiving subsidy. We aren't receiving any federal subsidy for the railroads in Maine and I

think we should push this bill along and do all we can to give them a little boost.

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

Mr. PALMER: Mr. Speaker and Members of the House: I want to clarify one remark made by the gentlelady from Waterville, Mrs. Kany. There is not now and never has been a sales tax paid on rolling stock by railroads by federal regulation. The Interstate Commerce Commission railroads are allowed, and always have been, to buy their rolling stock without paying a state sales tax. This is nothing new from what we have been doing for years and years.

I would like to say just one more thing about it. I want to call your attention to page two of the document, Section 2704, "securities issued under this chapter shall not constitute any debt or liability of the state or pledge of the state or credit of the state, but shall be payable solely from revenues of the project for which they are issued and all such securities shall contain on their face a statement to that effect." I think that pretty much answers the fact that the State of Maine is not becoming involved in any financing.

I would like to answer the gentleman from Sabattus, Mr. Cooney, and say this to him — if we in this legislature arrive at a point where we cannot look at the problems of industries and transportation particularly, which is one of Maine's great problems, if we cannot look at those with sympathy, realizing that these things mean jobs to Maine people. I am sure Mr. Cooney would raise his hand to increase the unemployment compensation fee, as I might, but when we get a chance to help an industry so it can do something to help expand other industries, we turn our backs and say this is not our responsibility. This is our responsibility to help the railroads and any other industry in this state as well as the individuals. I look upon human services as our responsibility. If we have problem areas in AFDC or whatever, it is our responsibility to respond to those needs. It is our responsibility to respond to the needs of the business community. I can't see where we can divide our responsibilities. We are here to help the people of the State of Maine regardless of what segment it may be.

And regardless of what you may look at today in Maine, you will find over and over again that one of our crying needs is in the field of transportation. Agriculture suffers because we have problems in the field of transportation. Our own industries suffer. All this does is simply say that we are agreeing that an agency can be created which will have the ability to issue revenue bonds to assist the railroads without pledging the credit of the State of Maine, but in doing that, it will assist them in selling their bonds faster and at a better rate. To me, it is a very simple issue and I think we have to address ourselves to all problems of this state, be they business or human services.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to repeat, and perhaps I didn't make myself very clear, I am not opposed to the purposes of this bill as I understand them. As it was explained to me in the halls, this bill is to help railroads that are in trouble. I am not opposed to that. My point is, are you going to help all railroads, regardless

of their financial status, and this board could very well show favoritism to one railroad over another to the disadvantage of that railroad, and I just thought the bill ought to have specific guidelines established in the statutes so these sort of things could be avoided. That was my only purpose in having it recommitted to committee. I just think the language in this bill is far too vague.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentlewoman from Portland, Mrs. Najarian, that this bill be recommitted to the Committee on Transportation. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 65 having voted in the affirmative and 64 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Mr. Cooney of Sabattus presented the following Joint Order and moved its passage: (H. P. 2007)

ORDERED, the Senate concurring, notwithstanding Joint Legislative Rule 28, the Joint Standing Committee on Agriculture is directed to report out a bill to abolish the Maine Milk Commission.

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

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if you have noticed the snap, snap, snap sounds that have been occurring all over the State House this morning, but it is all of us camels who have held out long years supporting the farmers and Milk Commission, writing, as Mr. LaPointe used to call them, still does call them, powered milk bills trying to save the Milk Commission, trying to work out the delicate balance between the public interest and the interest of the agricultural community. So I guess that snapping is the straws that finally fell on our backs when we all heard on the news last night or read in our newspaper that our friendly local Milk Commission just raised the price of milk 13 cents a gallon. Thirteen cents a gallon, to an average family that might drink three gallons of milk a week, something like that, is roughly \$20 a year additional. That is on top of all the other increases.

In the 106th, I served on the Agriculture Committee and I was the one who got accused of writing a power milk bill trying to find a way through the horns of the dilemma. What the committee did at that time was to end the bracketing system. That in itself was a major step.

I also suggested a couple ideas that I thought might break the price lock on the cost of milk and might get a little bit of competition into the pricing, and that was to provide the commission with the authority and the direction to provide some kind of a price differential between the size of the container and the type of container and allow them to set different prices. Well, they didn't do it, and I think most of us came back in this session angry at that Milk Commission that hadn't done what we had hoped they would do and so my seatmate, along with the Agriculture Committee and other interested parties wrote another powered milk bill which we all passed in the regular session. And I think we were all delighted, as was the public, when we heard a few months ago when it went into effect it had found an

opportunity to lower the price of milk. Everybody breathed a sigh of relief and thought, aha, at last it is working. Then we wake up and we see that uh, uh, it hasn't worked, it is the same old game again, and I guess I have had it. You get to a point where you say you just can't compromise anymore.

We have tried for too many years, and it just hasn't worked. The consumer is taking it in the neck year after year after year and I for one, who has been right in the middle of writing compromises, can't write another one. So the reason I am presenting this order this morning, and I hope you will all give the Agriculture Committee an opportunity to wrestle with this thing one more time, is to report out a bill that we can act on.

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

Mr. TORREY: Mr. Speaker and Members of the House: I certainly cannot compete with the eloquence of the good gentleman from Sabattus, Mr. Cooney, but I have to stand and go on record as opposing this order. Certainly the report of the findings of the Maine Milk Commission and increasing the price of milk at that rate is a shock to everyone. I personally feel that it is too large an increase. The Maine farmers needed an adjustment in their farm price, which was granted, but my personal thoughts are that the commission gave too large an increase to the dealers who were also asking for relief.

I would hope that we could take this at a little slower pace. We have a bill in, of course, to review some of the language in the bill that we enacted at the regular session, which hopefully could change some of the wording and prevent some of the misunderstanding with the commission.

At this time, I will just have to ask you folks to use your own good judgment and let us go at a slow pace and not approve this order.

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

Mr. MORTON: Mr. Speaker, I didn't know this order was coming in this morning, but I think the gentleman from Poland has been very gentle. In my opinion, the public interest and the interest of the agricultural community are not mutually exclusive, as the gentleman from Sabattus has suggested. I believe that the agricultural community is also included in the public interest.

We certainly have, for the last two sessions, discussed this matter and discussed this matter. We have changed the composition of the Milk Commission. Until the present time, it has had one hundred percent membership from outside the industry. But these people who are doing a job in the public interest are not completely unequipped with the ability to figure. And when it becomes obvious that segments of an industry are going down the drain, it is impossible for them not to recognize that. I think we have not given this Milk Commission, as it is presently constituted, enough time to operate in. You just can't legislate prices from this floor of the legislature. We have got a commission out there that is empowered to do this, it is their responsibility, if they make mistakes, then those mistakes will be corrected.

I am not sure whether the figure that has been put in this time is the correct one or not. It is not my position, at this time at least, to have even studied that. It

certainly isn't the position of this legislature. But to do away with this mechanism is going much, much too far, and I certainly hope you will not support the introduction of this order today.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I would have to oppose the order. I think we had a complete change last year in the setup of the commission. We have a new commissioner and we have a lot of problems that are new to both the commission and the commissioner. I think it is only fair to let them see what they can do this following year.

We have spent a lot of time and a lot of expense on hearings about the Milk Commission in the last few years. With this complete changeover last year, I think it is too early to try to repeal this commission at this time.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: In the 106th Legislature, I sponsored a bill which would have dealt with the Milk Commission. It would not, however, have repealed the Milk Commission, it would just have repealed their authority to set retail milk prices or resale milk prices. That has been my position, and it still is, and for that reason I am going to oppose this order. I do not feel that the Maine Milk Commission ought to be abolished. I feel that there are certain duties that are good and they should continue to perform. The only objection I have is that they are setting the resale of milk prices.

As the gentleman from Poland, Mr. Torrey, did say, there is a bill now in which deals with the prices of milk, and I think it would probably be germane to amend that bill in order to deal with the question of the resale prices that dairies are getting. For that reason, I also hope you would not vote to pass this order.

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

Mr. LYNCH: Mr. Speaker, I request information. Under the bracket formula, the increase that was given to the producers, what would that have produced for the processors and would it be within the 13 cent range or less?

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

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

Mr. TORREY: Mr. Speaker, I am not positive, but from my information and from the way I understand it, under the other system, the prices would have been higher.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. McKernan has brought up a point which may be valid regarding the abolition of the commission completely or setting the retail price provisions only. Based on that, I would ask someone to table this for one day so that we could investigate that and determine whether this order was in fact the proper order or the other order along that line would be proper.

Mr. Rolde of York moved the matter be tabled for two legislative days.

The SPEAKER: The Chair will order a

vote. The pending question is on the motion of the gentleman from York, Mr. Rolde, that this matter be tabled pending passage and specially assigned for Monday, February 9. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 63 having voted in the negative, the motion did prevail.

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: One of the purposes for which the legislature was convened earlier than was contemplated was to resolve the difficulties in the funding of public school education.

The Commission on Public School Finance worked on revisions of the funding law, and they could not come out in complete agreement as to what should be their final report, so two bills came out of the commission, one was presented by the Governor. At no time did the Commission on Public School Finance consider the 2.6 or the 4.7 deficit.

When the matter was given to the legislative committee on education, there were two problems. There was a deficit problem and there was the revision of the funding law. The committee has worked hard trying to resolve both problems at the same time, and I think we have finally realized that they must be separated, that you cannot resolve one without influencing the other, so we have addressed ourselves to the revision of the public school funding law. We are very close to a resolution of that problem. We are checking and double-checking the law that we propose to submit and also checking and double checking the impact across the state of any revisions in the law.

Hopefully, we may have some concrete evidence today that will allow us to proceed with the direction that we have taken. It may be possible that we will have something tomorrow, I am not sure. But I think you have to bear with the committee and I think you would feel that we are doing right in not proposing anything until we are absolutely sure that we have dotted all the "i's" and crossed all the "t's". That would resolve one of the problems.

The 4.7 million deficit, the Governor has agreed to defer. The \$2.6 million that may arise comes about because the legislature has, under the funding law, a leeway provision, and the legislature has encouraged all school units to go to a uniform fiscal year.

There are about 140 school units in this state that are attempting to do what the legislature has asked them to do, and in moving in this direction and in taking the six-month budget, the state will be exposed to a maximum of \$2,998-plus million, and that is a deficit that the legislature is going to have to face up to. There are only two solutions. All the communities, all the school units in this state have had the advantage of leeway at \$125 per pupil, except these units that are trying to move to a school year. My own feeling is that since we have encouraged them to do this, and the present law says the leeway provision is \$125 per pupil, I think the legislature has the moral obligation to honor that commitment. How you do it is going to be a problem. I can't see any other way of meeting that commitment without additional revenue from some source.

The other solution to the problem is to

say to these districts, we are sorry you didn't get through the door in time. We have given it to all the other school units in this state, but you are going to have to forego this \$3 million. But come next July, you will then be available to use leeway at a reduced level. That is not equity in my book.

(Off Record Remarks)

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: An informational caucus is certainly of value, but I would hope that we would be in a position tomorrow to explain the committee bill and the revisions that are in the law. And if we are in the position to do that tomorrow, I hope everyone would stay long enough to listen in, because if you wait until Monday, you are not going to resolve this problem, you are going to have to table and table until you go back and have some input from your own people at home.

If the informational caucus is held tomorrow afternoon, I would hope that we would not table next week because someone didn't stay, didn't get the information and wanted to delay it simply to get back to their people at home.

(Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro.  
Adjourned until twelve o'clock noon tomorrow.