

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, February 17, 1976

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

Prayer by Dr. J. Philip and the Reverend Carla Jackson of Rumford.

The members stood at attention during the playing of the National Anthem by Representative Stephen R. Gould of Old Town.

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate:

Bill "An Act to Authorize Washington County to Raise Funds for Construction of a Detention Center" (Emergency) (S. P. 693) (L. D. 2213) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635 as amended)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, referred to the Committee on Local and County Government in concurrence.

**Non-Concurrent Matter****Tabled and Assigned**

Bill "An Act Relating to Fiscal Year Transitions for Municipalities" (Emergency) (H. P. 1833) (L. D. 1998) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-871) in the House on February 6, 1976.

Came from the Senate with Committee Amendment "A" (H-871) Indefinitely Postponed and the Bill Passed to be Engrossed in non-concurrence.

In the House: On motion of Mr. Cox of Brewer, tabled pending further consideration and tomorrow assigned.

**Petitions, Bills and Resolves****Requiring Reference**

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

**Labor**

Bill "An Act Concerning the Workmen's Compensation Statutes" (H. P. 2046) (Presented by Mr. Tierney of Durham)

(Ordered Printed)

Sent up for concurrence.

**Orders**

Mrs. Snowe of Auburn presented the following Joint Order and moved its passage: (H. P. 2043) (Cosponsors: Mrs. Lewis of Auburn, Messrs. Drigotas of Auburn, Hughes of Auburn)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of John Bower Coach of the US Ski Team at the XIIth Winter Olympics

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

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

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

Mrs. Snowe of Auburn presented the following Joint Order and moved its passage: (H. P. 2044) (Cosponsors: Mrs. Lewis of Auburn, Messrs. Drigotas of Auburn, Hughes of Auburn)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Thomas Upham Coach of the US Ski Team at the XIIth Winter Olympics

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

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

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

Mrs. Snowe of Auburn presented the following Joint Order and moved its passage: (H. P. 2045) (Cosponsors: Mrs. Lewis of Auburn, Messrs. Drigotas of Auburn, Hughes of Auburn)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Karl Anderson Named to the US Winter Olympics Team in Alpine Events

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

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

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

**House Reports of Committees****Ought to Pass in New Draft****New Draft Printed**

Mr. Curran from the Committee on Health and Institutional Services on Bill "An Act Creating the Maine Arthritis Task Force" (H. P. 1854) (L. D. 2028) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation" (H. P. 2042) (L. D. 2216)

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

**Consent Calendar****First Day**

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

Bill "An Act Converting Wallgrass Plantation into the Town of Wallgrass" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-897) (H. P. 1822) (L. D. 1983)

Bill "An Act Relating to Emergency Lights for Vehicles" — Committee on Transportation reporting "Ought to Pass" (H. P. 1954) (L. D. 2139)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 18, under listing of the Second Day.

**Consent Calendar****Second Day**

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

Bill "An Act to Remove the Maine Criminal Justice Sentencing Institute from the Administrative Supervision of the Judicial Council" (C. "A" H-895) (H. P. 1974) (L. D. 2163)

Bill "An Act Concerning the Uniform Processing of Employer Contribution into the Retirement System" (C. "A" H-896) (H. P. 1871) (L. D. 2042)

Resolution Proposing an Amendment to the Constitution Allowing the Governor Ten Days to Act on Legislation (H. P. 1970) (L. D. 2159)

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

**Second Reader****Tabled and Assigned**

Bill "An Act Concerning Allowances Granted to Indian Representatives During Special Sessions" (H. P. 1921) (L. D. 2109)

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

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

**Passed to Be Enacted****Emergency Measure**

An Act Concerning the Purchase of Liquor (H. P. 1884) (L. D. 2062) (C. "A" H-874)

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

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

Mr. JALBERT: Mr. Speaker, would somebody from the Liquor Control Committee explain what this bill and the amendment are all about?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to any member of the Liquor Control Committee who may care to answer.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This is a very simple bill. What it does, it allows bars, hotels, motels and what have you to buy liquor from the Kittery store, those that are located within that area, and to pay no more than they would have to pay at some other liquor store.

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

A vote of the House was taken.

110 having voted in the affirmative and 14 having voted in the negative, the Bill was passed to be enacted as an emergency measure, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act Authorizing the Capitol Planning Commission to Assume Certain Functions now Performed by the Bureau of Public

Improvements (H. P. 1912) (L. D. 2099) (S "A" S-398)

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

Under suspension of the rules, the House voted to take from the table the first tabled and today assigned matter:

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought To Pass" — Committee on Natural Resources on Bill, "An Act to Allow Certain Mining Operations within the Sandy River and Temple Stream without a Permit from the Commissioner of Inland Fisheries and Wildlife" (H. P. 1885) (L. D. 2063)

Tabled — February 12 by Mr. Peterson of Windham.

Pending — Acceptance of Majority "Ought not to pass" Report.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I would hope this morning that we would accept the Majority "Ought not to pass" Report on this bill, primarily for three reasons. The law that this bill attempts to exempt itself from has only been on the books since the regular session of the 107th Legislature, so we really haven't had any experience under it. There was some concern that maybe under the permit-granting procedures of Inland Fisheries and Game that certain gravel miners would not be able to get permits, but there has never been an appeal of a denial of a permit.

This really is special legislation in that it affects only one community on a river, which affects many other communities along that river, and it concerns me greatly that one community could affect the quality of the water of those below that community.

I am against the bill at this point in time, but I do want to commend the people who supported this legislation and who came to the public hearing on the bill. They gave one of the most thorough, comprehensive and competent reports to the committee that we have had since I have been chairman of that committee. I think their intentions are good and I think they should continue to develop their plan. If this legislation is passed, there is no guarantee that the community will set up this commission or committee. They do intend to, but the mechanics of it wouldn't happen until after March.

I would hope that you would accept the Majority "Ought not to pass" Report and at some later date, in another session when this has had some experience, maybe it would be proper for it to come back in time, but I don't think so at this time.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This is one of those old clichés — my bill, and I am rather fond of it, but I would also point out to you that this was inserted into the legislative process this time because it was voted by the people of the Town of Farmington in their town meeting. They set up a committee to lay out plans for assuming this responsibility. Now, what is that responsibility? It is the responsibility of issuing permits for taking gravel from the Sandy River and for controlling

gravel bars which build up and hasten the erosion of valuable crop land. To do this, the committee has had to keep a constant surveillance of the river and a local ordinance that sets forth the conditions under which the local planning board may issue permits.

This is a bill which will allow responsible, local control of a local resource. Under the present statutes, it is necessary for permits and they may be issued by the Commissioner of Inland Fisheries and Wildlife. And it is true, as Representative Peterson said, that this bill, or the law, has only been on the books since the beginning of this session, but I think it is well to point out that that is purely a revision of a law which has existed for many years and the Commissioner of Inland Fisheries and Wildlife has been responsible for issuing these permits for many years, and prior to the enactment of the previous legislation, it was a real hassle. Even up to now, the commissioner has not seen fit to allow the removal of any gravel below the surface of the water, and many of these potentially damaging gravel bars do not reach the surface.

Farming people have been working these river bars for 200 years with no controls, and as far as I know, no documented damage to the environment has resulted. Now we have a plan which, as the gentleman acknowledged, was an excellent plan. I have also talked with the Senate Chairman of the Natural Resources Committee, and he assured me, although he was unable to attend the hearing, that he spent a couple of hours listening to a complete transcript of the hearing and he, too, felt that this was an excellent plan, and the House Chairman has explained his reasons for it.

The bill is simplicity itself. The people of Farmington have gone to great lengths and employed significant talents and resources to be ready to implement it.

I think this morning, ladies and gentlemen, that I would like to ask for a division on this bill. I think it is an opportunity for you to strike a blow for local control with an excellent plan, acknowledged to be excellent by the people who are opposing it and I urge you to vote against the "ought not to pass" report so that we may proceed to the "ought to pass" report.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a roll call vote.

Just to clear up a couple of points, the gentleman from Farmington indicated that both the Senate Chairman and myself thought this was an excellent plan but yet we both voted against it in the committee report. They have to realize that this river is over 200 miles long. It not only affects the community of Farmington and may give local control to the citizens of Farmington over a natural resource, but it removes control from the communities above Farmington and below Farmington. They will have no control as to what Farmington does. Right now it is under the state's supervision so that all the river communities will be considered when a permit application is granted.

We are talking about 422 square miles of drainage. It is affecting a vast area, and to allow one community to go merrily along its way, even though it may have a responsible plan, they can still do this now

without the law and I would like to see them do this and have a couple years of experience.

I wish you would support the Majority "Ought not to pass" Report.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I feel I would be remiss in my duties as House Chairman of Inland Fisheries and Game if I didn't speak a few words in regard to this bill.

Let's drop back about eight years when we had a commissioner in there by the name of Speers. At that time, I became involved with him over a stream where the State Highway was rebuilding a bridge. They went into that stream, which was similar to the one we are discussing today, and what they did was take a small bulldozer and they went right up through that stream and straightened it out a half mile above the bridge and a half mile below the bridge. Their idea was to have a free-flowing, straight stream under that bridge. The result was, it destroyed all the trout in that stream and it wound up in a fight between the two departments and wound up with a court order informing the Department of Transportation to replace that stream with debris, logs and hold back of water as much as they could, the conditions it was in before they started to build the bridge.

This bill here takes away the supervising of the streams in the State of Maine that are under the care of the Department of Inland Fisheries and Game, and if we are going to allow a bill of this type to proceed, then we might as well do away with our Natural Resources Council and the other conservation agencies that we have in this state. This is a very poor bill and it is only for a private interest.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that the good gentleman from Eastport is very sincere in his remarks, but I assure him that the situation that would be involved here has nothing at all to do with the one he described.

I would just like to read you a section of the ordinance which has been prepared. "The Committee," which is a subcommittee of the planning board, "shall advise the planning board that an application for a mining permit be approved if the proposed project or operation described in the work plan shall be conducted in such a manner as to minimize site-connected erosion and/or inhibit natural erosion, not contribute to changing the course of the Sandy River and not adversely affect the Sandy River as a fish and wildlife habitat or as a recreational area." In other words, ladies and gentlemen, the people of Farmington have become aware of the concerns of everyone, all of the interests, the environmental interests, the interest of the gravel miners, the interest of those who want to preserve the farmland along the edges of the rivers. This is no "Johnny-come-lately", hot-shot idea, this is a well thought out plan, as acknowledged by the people on the Natural Resources Committee.

I hate to correct the good gentleman from Windham, but the Sandy River is nowhere near 200 miles long. I don't know the exact length, but it is somewhere, perhaps, in the neighborhood of 50 or 60.

I would also point out that on the Natural

Resources Committee, I did get one vote in this House, it was the Representative from Rangeley, the district north of mine, and between those two districts, we cover approximately nine tenths of the full length of the Sandy River. There are two other Representatives here, each of whom has one town, and I haven't consulted with them on this, but the whole idea is, this is not something we are trying to put over on the people up or down the river. I trust that when you think about it, you will see that it is not such a bad idea, as long as local control is going to be handled in a very responsible way, such as I have just described in a section of this ordinance.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate his oratory, but this does by-pass our Department of Inland Fish and Game. It does by-pass their authority to control what will be done to our streams, and we are spending an awful lot of money to try and preserve those things.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have a different view of this situation. I know there are some very talented people in this particular Town of Farmington and they have some environmentalist ideas too, but if this was in your neighborhood, I would try to assist you in getting something that was good for the area and I hope you will assist the gentleman from Farmington. He is not asking for an unreasonable thing, in my opinion, and we would be just voting against progress in Maine. If we can hide our heads in the sand, good, but I don't want to do that. I want to remove the sand and try to make the people better off in that area, especially the farmers that are being flooded. There is more than one segment of the population in that area that it is going to help, and if you haven't heard from people along the river making any complaints, there are people here in the State Department of Fish and Game, or somewhere, that know little about what they are talking about and probably have never seen the situation.

I have seen the situation and I hope that we do something to correct it and that we go along with the gentleman from Farmington. I know that he is not asking for anything unreasonable and I hope you will support him.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we could support the gentleman from Farmington this morning. There seems to be a view that all wisdom is concentrated in Augusta. I think we are beginning to see the evidence now that this hasn't been the case. We are finding in Harpswell, for instance, that the sewerage systems they have been told to put in are not going to last, they are going to have to take a different direction. It seems to me that this opposition is concerned more with form than substance, and having had some slight experience with the river in question, it is the people that have been handling it for the last fifty years, and I say, let's let them continue to handle it and if there is any damage, there will be time to come in here and correct it.

I hope you can support the bill this morning.

Mr. Mills of Eastport was granted permission to speak a third time.

Mr. MILLS: Mr. Speaker and Members of the House: This brings us right down to just one question — who gets the profit from this enterprise, the town or a group of private citizens?

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker, could we have the Committee Report read?

Thereupon, the Report was read by the Clerk.

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 gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I represent one of the towns that would be affected by the Sandy River and I haven't heard any complaints or any concern whatsoever, so I would urge you not to vote for the "ought not to pass."

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Windham, Mr. Peterson, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Burns, Bustin, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hennessey, Hughes, Hutchings, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kennedy, LaPointe, Laverty, Lizotte, Lunt, MacEachern, Mahany, Martin, A.; McBreairty, McMahon, Mills, Mitchell, Mulkern, Nadeau, Najarian, Peakes, Pearson, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Raymond, Rolde, Saunders, Shute, Silverman, Smith, Snow, Talbot, Tierney, Truman, Twitchell, Tyndale, Usher, Wagner, Wilfong.

NAY — Albert, Bagley, Berry, G. W.; Birt, Bowie, Byers, Call, Dam, Doak, Dow, Dudley, Durgin, Dyer, Farley, Garsoe, Gould, Hall, Hinds, Hunter, Immonen, Kauffman, Kelleher, Kelley, Laffin, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Mackel, MacLeod, Maxwell, McKernan, Miskavage, Morin, Morton, Palmer, Perkins, S.; Perkins, T.; Pierce, Rideout, Rollins, Snowe, Sprawl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Walker, Webber, Winship.

ABSENT — Boudreau, Carroll, Curtis, DeVane, Drigotas, Farnham, Faucher, Gauthier, Gray, Hewes, Higgins, Hobbins, Lynch, Martin, R.; Norris, Quinn, Spencer.

Yes, 77; No, 56; Absent, 17.  
The SPEAKER: Seventy-seven having voted in the affirmative and fifty-six in the negative, with seventeen being absent, the motion does prevail.

Sent up for concurrence.

#### (Off Record Remarks)

Mr. Laffin of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to inform you that the President of the United States, last Saturday in Florida, endorsed the death penalty. I haven't said much about that since we lost that battle last year, but this is an important issue and states all over this country are demanding the death penalty. Whether we personally agree with the death penalty or whether we oppose the death penalty is not the bearing. The people of Maine, the people of this nation, they are demanding the death penalty for murders and rapists that we have in our society of undesirable people.

In 1972, the Supreme Court did rule that the death penalty was unconstitutional. However, March 30, I can assure you, they are going to change their decision. Five states have applied for hearing before the Supreme Court of the United States their cases on capital punishment. The right for each state, the right for each state legislature to direct and lead their people is far greater than the Supreme Court sitting in Washington, and they don't know our problems, and that is why they are going to hear this case again.

A few weeks ago, my very good friend, Mr. Silverman from the other side of the aisle, made a very fine statement that I feel we should listen to. He said, "Newspapers do not run this legislature. Editorial departments do not tell this legislature how to vote, and the Guy Gannett newspapers are all done running the State of Maine." He was very truthful in his remarks and I hope we will listen to him because they will be one of the finest statements that have ever been said on the floor of this House.

Since I last spoke on capital punishment, we have now 258 murders and rapists and arson people who try to ruin our nation and we as individuals must try to protect the rights of all people, and capital punishment is certainly a deterrent. I urge the people of this legislature who are coming back to introduce legislation, to go forward with this country and let Maine not be the last to enact capital punishment but to be the leader. I won't be coming back, but I am sure that many of you who did support capital punishment will be coming back, and I certainly urge that a good capital punishment law is in the making for the people of Maine and let the legislature run the state, don't let the Guy Gannett newspapers run this state.

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: This is going to be one of the shortest talks I have ever made since I have been in this legislature. I only say to my very dear friend across the aisle that when he speaks of the Guy Gannett newspapers, he speaks of a subject that is very near and dear to my heart.

#### (Off Record Remarks)

Mr. Rolde of York was granted unanimous consent to address the House.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would simply like to comment on a few experiences I had over this long weekend. I don't know how many others of you had the same experience, but I went home expecting that I would hear from people concerning the present dilemma concerning school funding and tax problems, and I was not disappointed. What pleased me and surprised me was that people on the whole

seemed to understand the choice that is facing us in the school funding situation, that either property taxes are raised or the pressure must be taken off the property tax by raising the income tax. I was surprised by the clarity of their understanding because of the many attempts that have been made to mislead them, particularly in the repeated statement of the Governor that his school funding bill actually would represent a decrease in taxation, which we all know is not true, since it calls for an \$11 million increase in the state uniform property tax, an increase that is mandated and which the cities and towns must pay or face action by the Attorney General. Yet despite the Governor's insistent attempt to obscure this point, the fact has gotten home. His bill will mean property tax increases.

Any increase in the uniform property tax, whether it is 14½ mills or 14¾ mills means an automatic property tax increase, and the people don't want it. Faced with a choice, they prefer an increase in the income tax.

Again and again over the weekend, I had this feeling brought home to me. Throughout that time I was campaigning, and the people I spoke to were not just in my home town of York, they were in Portland, Biddeford and Saco as well. I also had mail at home on this subject. These sentiments came from Republicans as well as Democrats — "Don't raise our property taxes," they said. There was one exception among the people I talked to, and that was a particularly wealthy gentleman who didn't wish to see his income tax go up and who didn't care about property tax increases.

In light of the Governor's most recent pronouncement, I thought I would report my experiences and I know from talking to other legislators, some of you have had the same experience, that most people do not want the Governor to raise their property taxes, that they would favor a shift to the much fairer income tax.

Mr. Mulkern of Portland was granted unanimous consent to address the House.

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: Speaking as an individual legislator, I have reached the end of my road as far as the Governor of the State of Maine is concerned. I was very much distressed by the statement made by our Governor to the news media that he was very reluctant to see a bill become law to fund the special session of this legislature, because we up here in Augusta are doing absolutely nothing to justify our being in session.

Let's get the record straight, that the legislature has been moving at a slow pace in grappling with the major issues confronting us, education funding and taxes, I cannot deny, but that we are doing nothing to justify our being in session is a vicious lie, another in a series of politically calculated untruths or half truths designed to bring public discredit to the Maine Legislature as a body and on individual legislators who respectfully disagree with the Governor.

Responsible legislators have been working hard for many weeks to solve the very difficult and highly complex education problem in a way that will give every child in this state the opportunity for a decent education and at the same time prevent a further undue burden to the Maine taxpayer. Difficult problems, ladies

and gentlemen, often demand facing up to solutions which are politically difficult to accept, and this education funding problem certainly is no exception. In my opinion, and in the opinion of most responsible legislators, that difficult solution is a shift in tax burden from the state uniform property tax to a broad-based income tax, an idea strongly endorsed by the Governor's own blue-ribbon tax policy committee, findings of which the Governor has chosen to largely ignore.

As a member of the Taxation Committee, it is my judgment that the proper vehicle to bring this about is the income tax, sponsored by Representative Ingegneri of Bangor, a bill which will reform our present state income tax.

The state uniform property tax, at its present level, as a funding mechanism for education has become an intolerable burden on the average Maine taxpayer. It is not based on ability to pay. The Ingegneri bill addresses that issue. Governor Longley's solution to the problem is no solution in my judgment, approve his education funding bill with no tax increase at the state level and let things fall where they may. I will tell you where things will fall — right on the heads of the already overburdened middle to low income taxpayer of this state. Local taxes will increase substantially. My community faces the prospect of an increase in local taxes of between three and four dollars per thousand valuation if some shift from the property tax burden does not occur.

As a concerned legislator, I find myself in a difficult dilemma. I cannot support, in good conscience, the Governor's proposal, which means intolerable costs to my people back home, but I must face political reality, the real difficulty of getting two thirds of both Houses of this legislature to agree on something. I can accept the problem of overriding a gubernatorial veto.

Why have we reached such an impasse, ladies and gentlemen of this House? Much of the blame, in my judgment, can be placed squarely at the door of the Chief Executive of this state. The Governor has taken this legislature to the laundry almost ever since he took office. He asked the time in the regular session to show us how state government costs could be cut. The legislature gave it to him and funded no program that would increase taxes. I believe there is fat in the state budget and I believe in giving our Governor every chance to find it, but when I returned to the special session, I found that the only solution the Governor had was to cut the state budget 7 percent across the board; release state employees by attrition; propose some more funny money ideas, a la tapping the teacher's retirement account, etc., to balance his budget. Is this responsible, ladies and gentlemen? I think not.

Give me specifics, Governor, and I will support your cuts if I believe them to be sound. Our Governor has been characterized in the press as a political amateur struggling against insurmountable odds to rescue the people of Maine from a bunch of insensitive bureaucrats and politicians in Augusta. I would suggest that events certainly don't bear that out. The wildest bureaucrats and politicians in these halls can't hold a candle to Governor Longley. It is unfortunate though that someone so astute

at the art of political shenanigans is apparently incapable of sufficient executive leadership to assist and be assisted by responsible legislators in solving the state's pressing educational and fiscal problems so we can all wind things up and go home.

Mr. Truman of Biddeford was granted unanimous consent to address the House:

Mr. TRUMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct something that Representative Rolde said. Most of the people in my area of Biddeford are opposed to all taxes, including the income tax. I don't know where he got his information.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker, I move that we adjourn until nine o'clock tomorrow morning.

Mr. Carpenter of Houlton 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. All 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 before the House is on the motion of the gentlewoman from Newcastle, Mrs. Byers, that the House adjourn until nine o'clock tomorrow morning. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bagley, Berry, P. P.; Berube, Birt, Bowie, Byers, Dudley, Dyer, Hinds, Jackson, Jacques, Jalbert, Kauffman, Laffin, Leonard, Lewis, Littlefield, Lizotte, Mackel, Maxwell, McMahon, Perkins, S.; Stubbs, Tarr, Torrey, Walker.

NAY — Albert, Ault, Bachrach, Bennett, Berry, G. W.; Blodgett, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Doak, Dow, Drigotas, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Lewin, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; McBreaity, McKernan, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Susi, Talbot, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Webber, Wilfong, Winship.

ABSENT — Carroll, Curtis, DeVane, Faucher, Gauthier, Hewes, Higgins, Mills, Quinn, Spencer, Sprowl, Strout.

Yes, 26; No, 112; Absent, 12.

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

Mr. Rollins of Dixfield was granted unanimous consent to address the House.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't have any long, prepared speech this morning but it certainly disturbs me in this House, and it has in the last three sessions since I have been here, to hear the language against our Governor that I have heard here this morning. I think it is very inappropriate to call the Governor a liar and I think that is what I heard. I would hope that we could do better than that in this House and I don't think it has helped the feelings of any of us.

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I didn't get any great amount of calls over the weekend one way or the other on the tax situation.

I did hold a public hearing in Skowhegan Sunday afternoon for four hours, I had a good turnout. I know what my people have instructed me to do, to stay with the Governor's proposals right down the line and the only time, if I felt in my mind to make a shift, would be to shift to the income tax, which they would prefer if it was just to fund the education bill and nothing else. But my people in Skowhegan and some people from North New Portland and Embden were there and feel that this is the gimmick that is being used by certain members to bring in a big tax increase, to really give it to the people of this state with a good income tax increase and have a big, free giveaway bill.

My instructions were, and I think my people in my area are quite sane in their thinking, and that was to go along with the Governor unless something specific was written in the bill limiting the income tax only to the education part and not come in with some big, giveaway bill, which they fear. They are tired of increases, they are tired of new programs and they are tired of state expansions.

Mr. Hinds of South Portland was granted unanimous consent to address the House.

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: After serving four or five sessions in the Maine Legislature and working for the state for a few years, I have been sadly disappointed by some of the remarks that have been made about the Governor of the State of Maine in the last few weeks.

We are all politicians and I think we have a right to have a difference of opinion. I think calling the man a liar is completely out of order and out of line. I have been around here for a number of years and I haven't seen him lie about one thing in this legislative session, as far as I am concerned, and if he has, I would like to know what it is.

I hope that we can continue to conduct this legislature in the State of Maine in a fair manner and if we have differences of opinion, fine, state them, but if we just want to start calling names, then let's keep it out of the newspapers.

(Off Record Remarks)

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