

# 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**

Wednesday, February 18, 1976

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

Prayer by the Reverend Donald Wrigley of Waterville.

The journal of yesterday was read and approved.

**(Off Record Remarks)**

On motion of Mr. Rolde of York,  
Recessed until the sound of the gong.

**After Recess  
11:00 A.M.**

The House was called to order by the Speaker.

**Papers from the Senate**

From the Senate: The following Joint Order: (S. P. 694)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Scott M. Emery of Windsor Boy Scout Troop 609 Upon His Attainment of the Rank of Eagle Scout

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.

From the Senate: The following Joint Order: (S. P. 695)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Minutemen of Stearns High School in Millinocket Little Ten Football Conference Champions for the Academic Year 1975

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 passed in concurrence.

From the Senate: The following Joint Order: (S. P. 696)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Minutemen of Stearns High School in Millinocket State Class C Football Co-champions

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.

**From the Senate:**

Bill "An Act to Revise the Maine Criminal Code as Recommended by the Criminal Law Revision Commission" (Emergency) (S. P. 697) (L. D. 2217)

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

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

**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:

**Legal Affairs**

Bill "An Act to Clarify the Authority of the National Guard in Providing Emergency Medical Services" (Emergency) (H. P. 2051) (Presented by Mr. Martin of St. Agatha) (Cosponsor: Mr. Carpenter of Houlton) (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.

**Study Report  
Judiciary**

Mrs. Miskavage from the Committee on Judiciary to which was referred the study relative to the 14th Amendment of the Constitution, pursuant to H. P. 1765 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 Conform Certain Maine Statutes of the 14th Amendment of the Constitution of the United States, to Title VII of the United States Civil Rights Act of 1964, as Amended in 1972, and to the Maine Human Rights Act" (H. P. 2052) (L. D. 2219) 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 Judiciary and sent up for concurrence.

**Orders**

Mrs. Kany of Waterville presented the following Joint Order and moved its passage: (H. P. 2048) (Cosponsor: Mr. Goodwin of South Berwick)

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government is directed to report out a bill authorizing legislative review and suspension of proposed and existing administrative rules and regulations.

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

Mrs. Hutchings of Lincolnville presented the following Joint Resolution and moved its adoption: (H. P. 2049)

**IN MEMORIAM**

Having Learned of the Death of Robert Laycock Member of the Maine National Guard

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved

family and friends of the deceased; and further.

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

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

Mr. Tyndale of Kennebunkport presented the following Joint Resolution and moved its adoption: (H. P. 2050)

**IN MEMORIAM**

Having Learned of the Death of Carl Emery Rhoades of Lyman, Maine

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

The Resolution was read.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: Carl Emery Rhoades was born February 5, 1905, in the City of Biddeford. In 1935, he acquired the general store in Lyman and there was a career of complete devotion to his entire community. He served on the school board 40 years, 10 years as its chairman. Never for a moment did he unselfishly consider the people of his community in every sense of the word. He was loved and respected by all and shall be missed by all.

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

Mrs. Boudreau of Portland presented the following Joint Order and moved its passage: (H. P. 2047)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Deering High School Band Which has been Selected to March in the Cherry Blossom Parade in our Nation's Capital on April 10, 1976

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.

**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 to Clarify the Laws Relating to County Budgets" — Committee on Local and County Government reporting "Ought to Pass" as

amended by Committee Amendment "A" (H-903) (H. P. 1818) (L. D. 1976)

Bill "An Act Amending the Charter of the Caribou Hospital District" — Committee on Legal Affairs reporting "Ought to Pass" (H. P. 2005) (L. D. 2184)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 19, 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 Converting Wallagrass Plantation into the Town of Wallagrass" (C. "A" H-897) (H. P. 1822) (L. D. 1983)

Bill "An Act Relating to Emergency Lights for Vehicles" (H. P. 1954) (L. D. 2139)

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.

#### Passed to Be Engrossed

Bill "An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation" (H. P. 2042) (L. D. 2216)

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

#### Passed to Be Enacted Emergency Measure

An Act to Clarify Provisions Relating to the Town of York School District (H. P. 1832) (L. D. 1997) (C. "A" H-887)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act Extending the Legislative Lifetime and Reporting Deadlines of the Commission on Maine's Future, and Allowing for Expenditures of Previously Appropriated Funds Throughout the Revised Lifetime of the Commission (H. P. 1916) (L. D. 2104)

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

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: As I was sitting here this morning in caucus listening to the education debate, I just happened to pick up the calendar and saw this item on here as an emergency measure, so I took the time to look at the bill. I am not really speaking against the bill, but I am raising some questions here that I hope either the sponsor or someone else who is interested in this particular program might address themselves to.

First of all, there seems to be, at least on the surface, a double standard involved here. As I understand the departments of state government, as each quarter comes to an end, the funds that have been allocated for whatever programs are being carried on stop and are not carried forward. This L. D. seems to be saying that

we will make an exception in this case and carry forward \$30,000 out of the Planning Office, out of the general government executive current service account. I am not sure why this single exception should be made, for openers.

The other thing I would like someone to tell me and the rest of the House is, what has this Commission on Maine's Future accomplished to date that would warrant carrying this amount of money forward and why is it they haven't done whatever they were supposed to do already?

I would also like to raise the question, has this program been evaluated and found worthy of continuing? Who has looked at this program and found out that it is something other than one of those other government programs that goes on and on and on and nobody ever looks at? It may be something we could save a lot of money here with, and I just raise these questions and would hope that someone could respond.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, has posed a series of questions through the Chair to anyone who may care to answer.

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

Mr. MORTON: Mr. Speaker and Members of the House: I am very happy today that the gentleman from Augusta is not speaking against this bill, but he has legitimate questions and I think they deserve an answer, and I hope I got them all down.

First of all, the bill does two things, it extends the life of the Commission on Maine's Future. Well, some of you may have forgotten what the Commission on Maine's Future is, but it is a group of 40 people of the State of Maine, some of them members of this legislature, who have been meeting on a once-a-month basis since last spring when this went into effect and are attempting to determine, if possible, some of the direction that the State of Maine should be taking over the next 20 years.

This is a big project and I have no doubt that there are those who think that planning of any kind, projecting of any kind, has its limitations, and I couldn't agree with you more. However, unless you establish a base and find out where you are at the present time, it is pretty difficult to even get a start on the problem. So for the period it has been in force and acting, that is what the Commission on Maine's Future has been doing, and at this point in time, it just about accumulated all the data that they feel they can in order to determine where we are now and what this base is.

These 40 people who are on the Commission on Maine's Future represent every county in the state, they represent as well as was possible in the appointment of the group interests as divergent as you can imagine in the State of Maine.

The reason why we are asking for the extension of the lifetime is that with the change in administration at the beginning of this biennium, the commission was not appointed on January 1 or anywhere near January 1, and it was not possible to get started until about the first of April, or maybe it was the middle of April, so we lost four months and that is what this time extension does, it extends the time just about exactly the same amount of time that the commission was unable to get going.

Now, as far as funds are concerned, when the commission was originally set up by this legislature, there was an

appropriation and the appropriation was to cover the work of the commission and some of that appropriation is still in existence, it has not been spent yet. Neither has some of the \$30,000 that was added to the funds which were given to the commission at the regular session. So what you have here is a request not to allow these funds to lapse. In so many instances in state government, one of the problems that is involved with lapsing funds is that if they are going to lapse automatically, heads of departments and bureaucrats in general can find all kinds of ways to spend them.

Well, the Commission on Maine's Future has but one objective and, by the way, under the terms of the legislation that initial report is not required until June of 1976, so there has been no request and no requirement under the law for any report as of this time. There is one in June and there will be one for the preliminary report in June. We are asking to delay the final report for four months. But if we were required to lapse these funds, it would be just the same as any other department in the government, I presume the chairman and the executive committee would be doing their best to utilize these funds prior to the deadline when they would have to lapse.

What we are doing now and what we will continue to do is expend these funds very carefully, as has been done up to now. The commission has also pulled in some grants, which we are actually spending rather than state money, and I can assure you that the commission, under the chairmanship of Halsey Smith, is working very diligently to perform the task that was assigned to it by this legislature and to expend the funds in a very wise manner. This is, number one, to extend the time four months for the final report and, number two, to insure that the funds do not lapse so that they will have to be reappropriated.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am stunned to find that one of the arguments advanced for the continuation of this program is that it is not state money, that there are federal grants involved. Now, I thought we all understood that a tax dollar is a tax dollar, no matter where it comes from.

I would like to ask another question, which is this — what is the \$30,000 used for? If there is any per diem involved in this, I would think that we would immediately convert this to a volunteer effort and then proceed from there. Does anyone have any answer to that question? Is there per diem involved in this money?

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

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

Mr. MORTON: Mr. Speaker, the answer to the gentleman's question is no, there are no per diems. All 40 people are working gratis.

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

Mrs. KANY: Mr. Speaker, I urge you all to go along with the recommendation of Representative Morton. The commission is working hard. That money is being used for staff and the commission really had to scrounge around looking for some grant money to get any staff whatsoever. So I

urge you to go along with Representative Morton.

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. Those 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.

Thereupon, Mr. Jalbert of Lewiston 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 Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: The basic reason why a subcommittee of the Appropriations Committee was formed was to lower the pricetag of having the 10 members meet. We get per diem. As chairman, I came to Augusta some 27 times and I didn't have any per diem, I didn't charge expenses for meals, travel or per diem, I came on my own. When the committee met five or six times, we did get our per diem.

Even though this does not have a per diem on it, and I haven't paid too much attention to it, we read a lot about there being too many boards and too many commissions, but there is an appropriation for travel and for the meals and certainly I feel that anybody that does serve on something like this should have per diem. But by the same token, if you have 40 people who are serving on a committee or commission, who are traveling wherever they may want to, and they get their meals and they get their travel allowances, this can come up to quite a price tag.

I think if we read what some people say on other floors in the building, that we have too many boards and commissions, this situation here might apply. I am making no motion, I am only making a few comments.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to rise to support the activities of the Commission on Maine's Future. I am a member of that commission and I feel — I would like to pose an inquiry through the Chair. Perhaps I have a conflict of interest. I don't receive any per diem, but I do get mileage when I come.

The SPEAKER: The Chair would answer in the negative, since the gentleman from Standish represents the members of the legislature pursuant to the appointment of the Speaker and is therefore a representative of this body and he is not in violation of the conflict of interest rule.

Mr. SPENCER: Mr. Speaker, anyway, I am on the commission and I do feel that it is an effort to bring together a great deal of information which is currently available in the state but which hasn't been pulled together.

It is to allow a group of people who have a wide range of different points of view and represent different industrial interests in the state, environmental interests, various

groups that are going to be important to the future of the state, to attempt to hammer out some long range policies and policy directions for the State of Maine with regard to the use of its marine resources, the use of its forestry resources, industrial resources and so on.

The commission, I think, is one of the few bodies that is at work in the state that is taking a long-range view. In the legislature, we find ourselves having to spend most of our time dealing with immediate crises and trying to patch up problems that have developed on an immediate basis. It is very rare that there is an opportunity to really try to take a long-range view. I think the commission is doing it and I think that something productive will come out of this effort.

I would point out that the commission will expire, that it is not a permanent commission that is adding a permanent feature to state government. It is a short-term commission which is charged with studying and presenting a report to this legislature and before the next regular session, the commission will have completed its work. It is not as if we are building something into state government that is going to be around forever, it is simply a short-term project to try to pull together the data that we now have on a whole range of areas of Maine life and try to give the state some direction for the future.

I would urge you to support its activities and to vote in favor of the legislation before you.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the debate that has taken place already, but could somebody kind of summarize for me and probably other members of the House specifically what has been accomplished to date insofar as the commission is concerned?

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I think it is difficult to present a concrete product because it is a little bit like writing a book on work that is in process. What the commission has done so far is to hold a series of meetings on various aspects of the Maine economy and the institutions of government in Maine to try to pull together what information is available. The commission has pulled together the best demographic information on what population changes are taking place in the state that I have seen anywhere. We have had, essentially, seminars with the commission on agriculture, on forestry, on employment problems and so on, and what we are in the process of doing is accumulating the data which will allow this group, with public involvement, to try to develop some long-range policy planning.

It is a fact that the State of Maine is a \$300 million — much more than that — is a multi-million dollar business and it has got to be run with some eye to the long run. What the commission is trying to do is to establish some broad policy direction for the state. It is my own feeling, after going to these meetings, that something constructive and positive will come out of the effort.

I think that if this legislature didn't want to create the Commission on Maine's Future, it should not have created the commission, but to take a group of people and have them spend a good part of a year working on this effort and then to cut it off in mid stream, it seems to me to be about as short-range thinking as I can imagine that people are capable of. I think if you created this thing in the last session to do a study that will be finished before the next session, it seems very short-sighted to stop it right in mid stream at this point.

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

Mrs. BACHRACH: Mr. Speaker, I would like to address a question to anyone who would care to answer, and that is, I don't understand where this leaves the State Planning Office. In my opinion, they were established to do all of the things I have heard discussed here today, and I don't understand whether this commission is to supplant them, to give them more input or why we need to have both things. Incidentally, I did not vote to have a Commission on Maine's Future. To me, that seems a very pretentious proposition.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach, has posed a question through the Chair to anyone who may care to answer.

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

Mr. PALMER: Mr. Speaker and Members of the House: I think very briefly I can answer by saying the State Planning Office is a very important part of the Commission on Maine's Future. They participate in all its proceedings. As a matter of fact, they are the directing force behind all the meetings of the Commission on Maine's Future.

Also, to answer the question of Representative Jalbert, I would say that on the matter of expense there is a procedures committee involved in the Commission on Maine's Future, which is a very small group, indeed, that meets more regularly. The entire membership of the commission does not meet with that degree of regularity. Actually, the bulk of the work is done by what you might call an executive committee, and these people just have their input from time to time.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would make one point. It is my understanding that the recommendation for a Commission on Maine's Future came from the cost management survey and was one of the few recommendations that this House accepted.

I would also ask, Mr. Speaker, if the Clerk could read the Committee Report?

Thereupon, the Report was read by the Clerk.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I just happened to be in on a progress report of this committee last summer, probably sometime the last of July, the first of August, and I was thrilled with the things they were accomplishing. It seems to me it is well worthwhile. The worst part of this suggestion of cutting it off now, as was already said, is that the groundwork is being done, material is being gathered, it will be put together and it will be put together unless we take steps here to stop it.

I think the thing is well worthwhile. I was very pleased with all the things they are doing, and I hope you will vote to leave it as it is.

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

Mr. MORTON: Mr. Speaker and Members of the House: Just to elaborate a little bit more for the gentleman from Waterville in connection with the Planning Office vs. the work of this committee. The gentleman from Nobleboro was correct. The Commission on Maine's Future uses the facilities of the Planning Department a great deal, but one of the big considerations for the passage of this legislation in the first place was that it was felt that professional planners was not necessarily the way the people of Maine wanted to go in their determination of some of the things we should be thinking of for the future. That is why the commission is rather large, but it does geographically represent every section of the state and has input from every type of activity that the state involves. It was simply for the reason that the legislature and the people of the state were not willing to depend entirely on professional planners that this particular commission was formed.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe that we should have so many commissions up here. I think that the future of Maine—I think we all know our own problems. I don't have to have a commission tell me when our people are out of work in Westbrook, I don't need a commission to tell me that we need more mills in Westbrook, we need more people working. This is \$30,000 wasted and I hope you vote it down.

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

#### ROLL CALL

YEA — Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Burns, Carter, Churchill, Clark, Connors, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Doak, Drigotas, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Kany, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Martin, R.; McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Spencer, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tyndale, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Albert, Bachrach, Berube, Bustin, Byers, Call, Carey, Carpenter, Chonko, Cote, Durgin, Dyer, Hinds,

Ingegneri, Jalbert, Joyce, Kauffman, Laffin, Lewis, Lizotte, Mahany, Martin, A.; Maxwell, Pelosi, Perkins, S.; Raymond, Rideout, Snowe, Strout, Talbot, Tozier, Truman, Twitchell, Usher.

ABSENT — Carroll, Curtis, Dow, Dudley, Gauthier.

Yes, 112; No, 34; Absent, 5.

The SPEAKER: One hundred twelve having voted in the affirmative and thirty-four in the negative, with five being absent, the Bill is passed to be enacted as an emergency measure.

Signed by the Speaker and sent to the Senate.

#### Enactor

##### Tabled and Assigned

An Act Concerning Municipal Appropriations to Incorporated Volunteer Fire Departments (H. P. 1906) (L. D. 2093)

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

(On motion of Mr. Berry of Buxton, tabled pending passage to be enacted and specially assigned for Friday, February 20.)

#### Orders of the Day

By unanimous consent, the House voted to take from the table the first tabled and today assigned matter:

Bill "An Act Relating to Fiscal Year Transitions for Municipalities" (Emergency) (H. P. 1833) (L. D. 1998) — In the House, Passed to be Engrossed as amended by Committee Amendment "A" (H-871), February 6. — In the Senate, Committee Amendment "A" (H-871) indefinitely postponed and Bill passed to be engrossed in non-concurrence.

Tabled — February 17 by Mr. Cox of Brewer.

Pending — Motion of Mr. Cox of Brewer to Insist.

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

Mr. COX: Mr. Speaker, I move that the House insist and would speak to my motion.

I will refresh your minds on this. The problem is on an amendment which the committee made and which this House accepted. The effect of this amendment, which has a filing number of H-871, is to make this uniform school budget year permissive rather than mandatory. At this time, I would like to read a communication which I have received from the selectmen from the Town of Orrington. It is addressed to Representative Harold R. Cox, Augusta, Maine. It says, "Dear Representative Cox: The Board of Selectmen of Orrington, meeting in regular session on February 9, 1976, passed the following resolution:

"WHEREAS, the state legislature has mandated that, on or before July 1, 1976, school administrative units adopt a July 1 through June 30 fiscal year; and Whereas; school expenditures, especially fuel and tuition payments are customarily paid about 2/3 in one half of the year and 1/3 in the other half, no comparable budget figures can be presented to councils or town meetings for intelligent evaluation, discussion, and decision; and Whereas, this requirement makes school units unable to prepare comparable, dependable, calendar year budgets for inclusion in the local tax commitment thereby imposing pressure for municipalities to change to the July-June fiscal year and creating the same budget problems in all other accounts: Whereas,

the reports from school administrators indicate that they will have to spend an additional \$2.6 million to implement the change, thereby complicating the problems of the state's current deficit and future budgeting; and Whereas it is not the prerogative of the State Legislature to deprive the municipalities of their rights of decision in the guise of what is better for them, now

"Be it resolved, that we, the Board of Selectmen of the Town of Orrington, respectfully request that the Legislature of the State of Maine, now in special session, amend the statutes to remove this unnecessary imposition on the rights of the municipalities of the State of Maine.

Passed by a 4 to 1 decision of the Board of Selectmen of Orrington, Maine, this ninth day of February, 1976."

Signed:

ROBERT CUST  
FRANCIS H. FOWLER  
EARL BALDWIN, JR.  
LYMAN G. BYARD  
Board of Selectmen  
Orrington, Maine

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The whole purpose of going to a uniform fiscal year was to give the Commissioner of Education and the Legislature and the Governor greater ability to set hard dollar figures on the funding of education. We have to get away from estimates. We have to get back to hard figures so we know where we are when we enact an appropriation measure.

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

Mr. HENDERSON: Mr. Speaker, the committee considered this option and felt that if it was required and continued to be required, it ought to be justified and maybe that is what ought to be done right now or in whatever education bill we do pass.

In the meantime, we did not feel that we have gotten the proper justification. If the argument is that the state needs the information, I think the state ought to impose its information needs on the municipalities, exactly what they need from those municipalities. From there on out, it is up to the municipality to supply that information, and if the only way some of them can do it is by changing their own fiscal year, then they ought to do that themselves. But to mandate changes in their budget years seems to be unrealistic. We should be able to say what information we want but not try to tell everybody that they have to give it to us in the way we want it.

This is, by the way, one of those issues, I think, in terms of local authority vs. state imposition. The state may say, if you want assistance from this state, you have to give us certain information, but we are not going to control the way in which you propose your budget or the way in which you get that information.

I hope you do follow Mr. Cox's motion to insist.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I will try to put this in some sort of perspective for you. I introduced this bill at the request of the Maine Municipal Association. As you know, in L. D. 1452, we did mandate a

uniform fiscal year for all the cities and towns. Maine Municipal asked me to put this bill in which would have put an extension on that mandation for six months. What we are arguing over today, the committee itself added Committee Amendment "A" which, in effect, undoes what we did in 1452 and makes it permissive as to whether they can add a uniform fiscal year. The other body did not agree with us, so we are now in nonconcurrence and the motion of the gentleman from Brewer, Mr. Cox, would be to stick with Committee Amendment "A" and in effect get rid of the uniform fiscal year.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The reason that we did in committee put this amendment on was because this bill did have an excellent hearing and a lot of municipal officers showed up and spoke on the bill. It was the feeling of the committee then that with the excellent testimony we received from the municipal officers of the various towns that we should not mandate what the towns should do but strictly make it permissive legislation. So with that in mind, I would hope we would support the motion of Mr. Cox and that we insist.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Last fall, when the Finance Commission on Public School Education was meeting, one of the problems that the commissioner had, and had at that time, was that reports from superintendents of schools were supposed to be in early in the fall. In November, he still hadn't received some of these. Now, here is the Commissioner of Education having to make a recommendation for the funding of public school education in January and he doesn't have the information to work with. That is part of our problem on public school funding.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentleman from Livermore Falls in this matter today. I think what we were attempting to do in 1452 was to provide some uniformity to the problems of fiscal planning in the State of Maine. It is a forward-looking step and as witness to that, there are communities more and more each year which themselves are also opting to changing their fiscal year. The State of Maine's fiscal year is July 1 to June 30. It has been that way and I am sure it will continue to be that way, and with the state leading the way and many programs emanating from the state level, it only seems reasonable that eventually all the units in the state will adopt the same fiscal year. This was an attempt to do it in the educational field where planning has to be very concrete. The gentleman from Livermore Falls has pointed out to you the very great difficulties they have had in putting a handle on educational funds. That has been one of our problems.

I hope you do not relax this opportunity that we have to insure that we get hard dollar figures for education.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think my good friend Mr. Lynch did put it to you people in

the right way. He said that the superintendents didn't send the information to the Department of Education. I don't think this is a question of mandating a program or a problem on a town. I think the problem lies with the Department of Education enforcing the superintendents to submit their reports when they are due.

But as I understand it, when they have these so-called get-togethers or meetings, whatever you want to call them, if some superintendent is brought up for not having reported in, it just becomes a real joke and okay Joe, we will get it in in a couple months, nothing to worry about, and there is no pressure put on from the Department of Education. Evidently the Department of Education feels it is a lot easier to mandate programs on small towns than it is to get after their own people, the superintendents of schools. I think this is just what has been brought out today in the testimony of Mr. Lynch, that the superintendents are at fault with these programs and not the towns. Why should we persecute or crucify a town to save the skin of the superintendents of the schools in the state.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: There are two or three facets to this thing. In the first place, I have talked with all my town fathers, the town council in Winthrop, the selectmen, the town managers, and they all agree that this was a good idea and should have been done before, but that there is no need of even having this extension, that they have got everything all set and they think there has been plenty of time for everybody else to.

There is one other factor that I think is particularly important, and that is, at the present time, with the school year running to the end of January or the end of February or something, we hire teachers in the fall, we put in new programs in the fall, and when I was superintendent, I felt it would only cost so much for this year and that was 5/12 of the year. The next year there was going to be 7/12 of the year and it would cost a whole lot more. If I was superintendent, I would hate to see this thing put through because it would deprive me of the opportunity to sell programs to the town on the basis it would only cost them for five months and then the next year I could sell it for the whole seven months because it was already in progress.

I think this is not a superintendent's bill as such. It is a bill to enable us to have things in a uniform manner so that the Commissioner, the Education Committee and the Legislature will have some exact specific figures when we are talking school funding.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The problem is not with the Department of Education; the problem lies with the local units. If you don't have a school unit operating on a fiscal year, the superintendent makes a report that has hard figures for six months and estimates the next six months. How can anybody draw up a budget for a legislative appropriation on estimates? That is the problem.

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

Mr. DOAK: Mr. Speaker, I would hope that you would support Mr. Cox's motion to

insist today. There is one point I don't think has been brought out in this debate up to this point, and maybe it has and I missed it. The fact is, if you don't insist, you are mandating that the municipality's school program will operate on a fiscal year. The difficulty this causes in many small communities that I see is that in order for the town to go on to a fiscal year itself in the regular town budget, it has to go to town meeting and have it voted by the people and the people of a municipality many times say no to this. Therefore, better than 50 percent of your town budget is operating on a fiscal year and the other part of your town budget is operating on a calendar year, and I think this is rather confusing. I hope you would vote to insist.

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

Mr. HENDERSON: Mr. Speaker, I would like to make a few rebuttal remarks, the most important of which is, I think, another reason why the committee did not wish to make the change at this time is that we have a study order before us to report to the next session of the legislature to do a comprehensive study of fiscal years.

By the way, I would point out that this bill does not relate to fiscal years but to a school budget year, which is somewhat different.

The Local and County Government Committee is studying the whole problem of fiscal years in the state, and it isn't simple, because, number one, we have many municipalities that start on almost any day of the year you pick. Secondly, the federal government is seriously considering changing its fiscal year to begin in October. So if we change everybody now to July 1, we are going to have to change everybody again, maybe, to October 1 for the same kinds of reasons, in order to be in step with another level of government. That may happen, and maybe that is what we ought to do a few years from now, but if we make this change now and impose it on everybody, we may have to reimpose another change on them. That is one reason why I think we ought to be cautious.

Another argument is that if people say the local units will have a better handle on it, as Mr. Bagley indicated, the local people feel it is the right thing to do, then fine, they can do that right now. Every local unit can change their fiscal year, they can change it to July 1, if that is most convenient for them, but let's not force it on other communities where it is not most convenient.

In addition, if we do mandate a different change in the school budget year, we are really probably underlying going to force a change in the rest of the municipalities' budget year; otherwise, we definitely are going to have an incongruence, I guess, in those two budgets. We are going to have municipal budgets which might be on a calendar fiscal year and then a school budget that cuts right in half of that. Many communities have their school and municipal budgets on the same fiscal year. Now we are going to try to confuse that issue.

In addition, I still think the basic reason for this proposal has been to get information at the state level and that, I think, is an excellent idea, if we can get that information. If there are superintendents or municipalities who don't come in with their figures on time, then I sincerely feel that they ought to be

penalized. They should come up with those figures, that is their obligation; if they don't, then that is their problem. If they can't estimate well into their next year, if they can't do it, they should change their own school budget year, but they should be held to their estimates and they should provide the information at the state level, but to make them do it the way we think is best for them, I think, is not the best approach.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I listened carefully to the young gentleman from Bangor in his remarks and he is talking about adding confusion. Well, that is exactly what this uniform fiscal year was attempting to do, to eliminate confusion.

You have heard the gentleman from Livermore Falls expound on the needs of us getting accurate solid figures, but I hope you listened to the gentleman from Winthrop, Mr. Bagley, when he pointed out the confusion that exists in the local units.

Now, any of you folks that have been to town meetings in the old days when the school boards were not insulated by SAD's and remember the real difficulty that people in the communities had in understanding the school budget, for the very reason that Mr. Bagley was talking about, because half the school budget was in one year of the town's raising money and the other half was in another year. This way, the school budgets can be determined on the basis of the school year, he is correct in saying that it is the school year budget that we are talking about and it is pretty well set, the pattern is, that we run the schools from September to June and the break comes in the summertime and teacher contracts run for the school year, contracts for purchasing run for the school year, so you get the full story when you go from July 1 to June 30th; otherwise, you are constantly splitting the year. This has always been a confusing thing for the people in the towns who are not able to understand this. It is good, practical, common sense, and if we pass this amendment and go along with this insistence, then you have just thrown the whole concept out the window.

I hope you will not vote to insist.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, may I pose a question through the Chair to the gentleman from York, Mr. Rolde? Is one of the major purposes for this legislation to lessen the impact of deficit costs by leeway in conversion towns?

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question through the Chair to the gentleman from York, Mr. Rolde, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: That would be one effect if the bill itself goes through, and I would remind the members of this House again that this bill calls for an extension on this uniform fiscal year for six months. This was done at the request of Maine Municipal Association because some towns were having great difficulty moving immediately to this uniform fiscal year. That could have an effect on this so-called \$2.6 million additional in the leeway deficit because some towns, if my bill goes through, would defer taking any action this Spring on the leeway. So, I think the answer to your question is yes.

Mr. Morton of Farmington was granted permission to speak a third time.

Mr. MORTON: Mr. Speaker, I would like to take some exception to the answer that the gentleman in the northeast corner just gave. It is true that this would defer that and I do not oppose that idea. However, from a practical point of view, I think we should all realize that over half the communities in the state have made the shift already and that very nearly all the rest of the communities, with very few exceptions, are prepared to go in this six-month period. It will not be possible for them to back away.

For instance, under the law, the law that we are presently operating under, SAD 9 has prepared its budget, has advertised its meeting for the 24th, which is next Tuesday, and it would be impossible for them to back away and take advantage of this. So I think you are going to find from a practical point of view, in answer to Mrs. Mitchell's question, that a very great big percentage of the communities will not be able to take advantage of this time extension.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here and listened to all the experts on municipalities and on school boards. Well, I have had the opportunity to serve 25½ years on school boards and municipal affairs. Of course, I come from a very conservative district, my whole district, 18 towns, so on and so forth, but anyway, we get along all right. But here you are now, if you vote against Mr. Cox's motion, you are voting against taking something else away from the towns that we now have. You are telling us we have to do it. Maybe it is the right thing but why not let us prove that ourselves and when it is time, let us go into it, why go along? Why listen to someone who hasn't any experience in municipal business? I think today that is what you need, people who will listen to this. I believe our Speaker and many of us here know that up in our country we get along all right, maybe we come out wrong on our estimates, we are not perfect, but we are not telling someone else they are not perfect for that simple reason. As you sit here and listen to people working against Mr. Cox's motion, I think it is time we left it alone and let the towns hold onto a few things.

We are talking about our new bill here, any one of the three or four bills and our 12 or 13 printouts, we are talking about taking more away from the towns. Let's stop, spend their money wisely and get along a little better.

I hope you will go along with Mr. Cox's motion.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Cox, that the House insist. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 51 in the negative, the motion did prevail.

By unanimous consent, the House voted to take from the table the second tabled and today assigned matter:

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

Tabled — February 17 by Mr. Rolde of York.

Pending — Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

The following paper from the Senate was taken up out of order by unanimous consent:

Bill "An Act Delaying the Effective Date of the Maine Criminal Code in Order to Allow Sufficient Time for Necessary Revisions" (Emergency) (S. P. 704) (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 passed to be engrossed without reference to a Committee and ordered printed.

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

Mr. HENDERSON: Mr. Speaker, before I go along with this thing that I don't understand and I don't see it being referred to any committee, I would like to ask someone here who is defending this proposition to do it, because I understand the code will go into effect in March and I haven't necessarily had any direct communication that there will be any problems and I don't know what the future date is. Could someone give me some justification?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The effect of this would be to delay the effective date of the Criminal Code from March 1 to April 1 so that the revisions which will soon be considered by the Judiciary Committee which have come out of the Criminal Code Revision Commission can be fully reviewed and then acted on by this legislature before anything goes into effect so we don't change our criminal law for two weeks and then change it again.

Thereupon, under suspension of the rules, the Bill read twice and passed to be engrossed without reference to any Committee in concurrence.

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

(Off Record Remarks)

On motion of Mr. Rolde of York, Recessed until four o'clock in the afternoon.

After Recess  
4:00 P.M.

The House was called to order by the Speaker.

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

Bill "An Act to Return to Local Control of Funding of Public Schools" (Emergency) (H. P. 1915) (L. D. 2101)

Tabled — February 11 by Mr. Lynch of Livermore Falls.

Pending — Motion of Mr. Smith of Dover-Foxcroft to reconsider indefinite postponement of the Bill and accompanying papers.

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



Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 2101, my bill, was prepared in response to a desire for local control of education through the elimination of the uniform property tax. I have said all that I feel I could say relative to this particular bill, and if anyone else would like to carry the ball from now on, well they could feel free to do so.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Dover-Foxcroft, Mr. Smith, that the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.  
28 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

Sent up for concurrence.

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

Bill "An Act to Repeal and Replace the Present School Finance Law" (Emergency) (H. P. 1873) (L. D. 2031)

Tabled — February 11 by Mr. Silverman of Calais.

Pending — Motion of Mr. Tierney of Durham to reconsider indefinite postponement.

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

Mrs. LEWIS: Mr. Speaker, I move that we reconsider in order that I may present an amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Durham, Mr. Tierney, that the House reconsider its action whereby L.D. 2031 was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

Mrs. Lewis of Auburn offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-898) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker, I would direct one question to the gentlewoman from Auburn, Mrs. Lewis. Under the Statement of Fact, she points out, and we are talking about a 14½ mill rate here on page 19, she points out that 14½ mills would raise \$131,516,303 and yet on the printout we had, which was put together on the very same day, the 13th of February, the pink one, one out of a long series of printouts, the uniform property tax rate of 14½ mills would raise \$131,699,764. I get a little concerned, Mr. Speaker, if the figures are coming out of the same outfit, has the computer gone crazy or is she getting a different set of figures as she prepares the amendment? I am also somewhat concerned as I look at the pink sheet from the Lewis amendment where we are told in the narrative that the uniform property tax rate at 14½ mills, as I said, would raise \$131,699,000 and that the general fund allocation would be \$129,027,000. Yet, on the very bottom line, those two figures at the bottom seem to be transposed and would indicate that the

general fund is putting in more money than the uniform property tax when, in fact, there is a difference of \$2,641,000 that the uniform property tax is putting in more than what the general fund is putting in. It shifts away from our thoughts that we have a 50-50 allocation at the very best and would have the municipalities, through the uniform property tax, putting up 50.5 percent and the state putting up 49.5. I would like to know if the lady could clear up some of these questions?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentlewoman from Auburn, Mrs. Lewis, who may answer if she so desires.

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

Mrs. LEWIS: Mr. Speaker, I am sorry, I can't answer right now. I am looking at the figures as Mr. Carey has given them. I will have to check them out and then get back to you.

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

Mr. LYNCH: Mr. Speaker and Members of the House: In response to one of the questions, I believe the amended version of the bill would provide 55-45, approximately.

Mr. Greenlaw of Stonington offered House Amendment "B" to House Amendment "B" and moved its adoption.

House Amendment "B" to House Amendment "B" (H-905) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Yesterday, we discussed the question of education finance. I believe we were told to prepare amendments to the so-called Lewis Bill, and this is an amendment to the bill that I think corrects a situation that the Commissioner of Education discussed with me on Friday.

I have been concerned that this legislature would fund an education bill that does not allow the possibilities of deficits to take place. So what this fiscal note does, it provides sufficient funds in the geographical isolation account to cover the state's exposure, and that addition is from \$200,000 to \$300,000, and it reduces the amount of money in the private school transportation account that had been overestimated. The Commissioner tells me that the reimbursement in this fiscal year for private school transportation is \$162,000 and at a 9 percent funding level, he expects it to remain about the same.

I would hope that we could adopt this amendment to Mrs. Lewis' amendment at this time.

Thereupon, House Amendment "B" to House Amendment "B" was adopted.

Mr. Farnham of Hampden offered House Amendment "A" to House Amendment "B" and moved its adoption.

House Amendment "A" to House Amendment "B" (H-902) was read by the Clerk.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, what this amendment does is restore to the bill 100 percent reimbursement for transportation costs. There are literally hundreds of rural communities in Maine in which you have to pick up and transport

every child in that community miles and miles to the nearest school house. Much of this came about when we went into SAD's and we closed rural schools out completely, and moved them from one town to another. This is a heavy burden on these districts that do have a large rural area. It is much different than in the cities or the average town where almost all the children can walk to school.

For instance, I have one town with just slightly over 100 students. Everyone has to be picked up and transported for seven miles in the morning, back again at night. If you have a kindergarten, they are picked up and hauled in for part of the day and hauled back. In another community under the SAD, the grade school was located at a convenient point between the two towns but that convenient point was where you could find 20 acres of land and no one nearby, so 100 percent of the children in those two towns have to be transported.

I think you should give this very, very serious consideration, and I make no bones about it, it probably adds a million and a half, or thereabouts, to the cost of this bill. I urge the adoption of this amendment.

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

Mrs. LEWIS: Mr. Speaker, I would like to ask the gentleman from Hampden if he is planning on adding a million-five to the total expenditure for this L.D. or is he planning on taking that from some other program. How does he plan to finance it?

The SPEAKER: The Gentlewoman from Auburn, Mrs. Lewis, has posed a question through the Chair to the gentleman from Hampden, Mr. Farnham, who may answer if he so desires and the Chair recognizes that gentleman.

Mr. FARNHAM: Mr. Speaker, I don't wish to take anything away from anybody. What I am doing is adding on probably another cent or two on cigarettes or somewhere, wherever we are going to get it.

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

Mrs. LEWIS: Mr. Speaker, I would ask for a division.

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

A vote of the House was taken.

Thereupon, Mr. Strout of Corinth 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 Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: For the past ten days or two weeks we have been discussing the school finance bill, I have come to the conclusion that I am willing to compromise. I think there are a lot of members in this legislature that are going to compromise in other directions. As late as this afternoon, I talked with my municipal officials and I have the direction that I will go.

If this amendment is adopted and we can pick up the necessary funding to take care of this \$1,100,000 that would be needed, I could support the bill as written. I go a little bit further and say to you that you are asking us to cut our leeway in our district some \$35 per pupil and if that is not a compromise, I would like to know what it is. When you are talking a commitment of \$1,400,000 for the school budget and you are asking the local taxpayers to pick up an additional \$126,000 under leeway, I say that all we are asking is for \$15,900 transportation. I think this is a good amendment. I think maybe some of the other areas in the state ought to give serious consideration to some of us that have problems in this field and I think in the net result, if we don't go along with some of these considerations, maybe the net result will be that we will be faced with no bill at all.

My stand today is that if this amendment is not adopted, I, for one legislator, will vote against any proposal before me.

The SPEAKER: A roll call has been ordered. The pending question is on the adoption of House Amendment "A" to House Amendment "B". All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bennett, Berry, G. W.; Blodgett, Burns, Bustin, Byers, Churchill, Clark, Conners, Connolly, Cox, Curran, P.; Doak, Dow, Farnham, Flanagan, Fraser, Garsoe, Hall, Henderson, Hennessy, Immonen, Jackson, Jensen, Kelleher, Kennedy, LaPointe, Lavery, Littlefield, Mackel, Martin, R.; Morin, Morton, Norris, Peakes, Pelosi, Rolde, Rollins, Shute, Smith, Strout, Stubbs, Wagner, Winship.

NAY — Albert, Ault, Bagley, Berry, P. P.; Berube, Birt, Boudreau, Bowie, Call, Carey, Carpenter, Carter, Chonko, Cooney, Cote, Curran, R.; Dam, Davies, DeVane, Drigotas, Durgin, Dyer, Faucher, Fenlason, Finemore, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jacques, Jalbert, Joyce, Kany, Kauffman, Kelley, Laffin, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McBrearty, McKernan, McMahon, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Palmer, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Saunders, Silverman, Snow, Snowe, Spencer, Sprowl, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong.

ABSENT — Carroll, Curtis, Dudley, Farley, Gauthier, Mills, Susi.

Yes, 45; No, 98; Absent, 7.

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

Mr. Mackel of Wells offered House Amendment "D" to House Amendment "B" and moved its adoption.

House Amendment "D" to House Amendment "B" (H-908) was read by the Clerk.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: This is a relatively straight-forward amendment in response to the desires of many of our property taxpayers who have indicated a

desire for relief insofar as property taxes are concerned. In response to this desire, I have prepared this amendment which would reduce the mill rate from 14½ to 12 mills. This is a rather substantial reduction which would require a transfer to the income and corporate tax in an amount equivalent to about \$23 million.

There is on the amendment a breakdown showing the various changes that would take place in individual categories of income taxpayers. I think at 14½ mills I have been impressed with the fact that it is a burden that many of our people just cannot bear; 14½ is much too much to ask any property owner to bear. I feel that this 12 mills is a good, sound, and I think a basic amount. As a matter of fact, most of our town officials requested such a reduction in response to a survey from the MMA. So I do offer this amendment and I would urge that you accept it.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Here you are getting before you a taxation bill that has never had a public hearing. It has never been before the Taxation Committee. Mr. Speaker, am I correct in saying it has never had a hearing as a tax bill?

The SPEAKER: The Chair would answer it doesn't make any difference.

The Chair recognizes the same gentleman.

Mr. FINEMORE: It is still a tax bill that hasn't had a hearing, which is strictly unnecessary, and at this time, I would move for the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the indefinite postponement of House Amendment "D" to House Amendment "A".

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

Mrs. KANY: Mr. Speaker, may I pose a question through the Chair to anyone who may care to answer, perhaps to Representative Mackel. Is the overall spending limit at \$260.7 with those figures?

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

Mr. MACKEL: Mr. Speaker, yes, it remains within the same limit as described within the bill of \$260 million and makes up only the difference that is lost by reduction in the mill rate from 14½ to 12, which is about \$23 million.

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

Mrs. KANY: Mr. Speaker and Members of the House: For all of you who are considering going down to that 12 mill rate and still have that overall educational spending limit at \$260.7, I ask you to consider what this would do to the low valuation communities. Personally, I do not represent a low valuation community, but certainly for those communities to even stay anywhere near the present educational program level, they would have to put a lot of extra mills on their local property tax.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: In response to Representative Kany, I think this particular mill rate with the \$260 million funding level is essential for those low valuation towns. Granted, a 12 mill rate

will help the high valuation coastal communities, there is no doubt about that. However, if we are going to distribute only \$260 million to the school districts and the schools in this state to help even those low valuations make up the difference that they are going to be required to raise in their own local property taxes, we have to lower their mill rates to 12 mills. Right now, we are not talking about — the difference is whether we want 260 or 265. All we are saying is that if in fact the distribution figure is going to be at \$260 million, it is imperative for the low valuation towns as well as the high valuation towns that that mill rate be set at 12 mills and the difference be made up in the income tax.

Mr. Speaker, when the vote is taken, I ask that it be taken by the yeas and nays.

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

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Dow, Drigotas, Durgin, Dyer, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, K.; Hall, Henderson, Hennessy, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, LaPointe, Lavery, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; McBrearty, McMahon, Miskavage, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Sprowl, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Webber, The Speaker.

NAY — Blodgett, Bowie, Byers, Churchill, Conners, Davies, DeVane, Doak, Goodwin, H.; Gould, Gray, Greenlaw, Hutchings, Kelley, Kennedy, Leonard, Mackel, MacLeod, Maxwell, McKernan, Mitchell, Palmer, Perkins, T.; Post, Quinn, Smith, Spencer, Strout, Walker, Wilfong, Winship.

ABSENT — Carroll, Curtis, Dudley, Farley, Gauthier, Kauffman, Mills, Susi.

Yes, 112; No, 31; Absent, 8.

The SPEAKER: One hundred twelve having voted in the affirmative and thirty-one in the negative, with eight being absent, the motion does prevail.

The pending question now before the House is on the adoption of House Amendment "B" as amended by House Amendment "B".

Thereupon, Mr. Kelleher of Bangor requested a vote.

Mr. Farnham of Hampden 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 adoption of House Amendment "B" as amended by House Amendment "B" thereto. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Bowie, Burns, Byers, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Cooney, Cote, Curran, P.; Dam, DeVane, Dow, Durgin, Dyer, Faucher, Finemore, Garsoe, Goodwin, K.; Gould, Greenlaw, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kauffman, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McBreairty, McKernan, McMahon, Miskavage, Morin, Morton, Nadeau, Norris, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Quinn, Raymond, Rideout, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Strout, Tarr, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Walker, Webber, Wilfong, Winship.

NAY — Ault, Bachrach, Bagley, Berry, G. W.; Boudreau, Bustin, Connors, Connolly, Cox, Curran, R.; Davies, Doak, Drigotas, Farnham, Fenlason, Flanagan, Goodwin, H.; Gray, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jensen, Kany, Kelleher, Kelley, Laffin, LaPointe, Littlefield, Maxwell, Mitchell, Mulkern, Najarian, Palmer, Pearson, Pelosi, Peterson, T.; Powell, Rolde, Smith, Spencer, Sprowl, Stubbs, Talbot, Teague, Theriault, Usher, Wagner.

ABSENT — Carroll, Curtis, Dudley, Farley, Fraser, Gauthier, Mills, Susi. Yes, 92; No, 50; Absent, 8.

The SPEAKER: Ninety-two having voted in the affirmative and fifty in the negative, with eight being absent, the motion does prevail.

Mr. Birt of East Millinocket offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-901) was read by the Clerk.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have long desired to have at least some other alternatives considered than the general concept that is included under the bill that we are presently considering which is to some degree a derivation of the original 1994.

I fully realize this is kind of a late hour to make a move of this type but it is really the first time in a year and a half that I have had a chance to take this action. Prior to this, it was not possible to do it because of the rules which would have forbidden it.

This amendment would, in essence, go back to a foundation program in which a direct subsidy would be paid to the individual communities. It would be based on the same amount of money that is available at the present time because I

have that amount of flexibility within the amendment.

Basically, the concept of the amendment would mean that one half of the per pupil operating cost for the year immediately preceding the convening of the legislature would come from the general fund. It would be determined by finding a medium value at one half, and that town would receive 50 percent of its subsidy from the state and then you would adjust the formula up and down, which was done under previous formulas of a similar nature, with the lower valued communities receiving a higher subsidy.

Under the law up until 1973, this worked out, actually, more successfully than I think may of us realize, in which you did have a direct increasing ratio of subsidy per student as your value went down, and I find that at that time some of the lower valued communities in the state were receiving \$652 per student, based on a 50 percent valuation of \$4,500.

At the present time, some of the problems I have with the present law are that we find that the state is, at the present time, actually controlled to some degree a more or less greater degree of all the taxes that are being paid in the state. The sales tax is completely under the jurisdiction of the state. The income tax falls into the same provision and now we find that not a major part but a fairly large part of the property tax is now being established by the legislature.

In 1951, when we went into the sales tax field, it was the desire at that time to get out of the property tax field. Now we find we are back into it and setting mill rates. Although some of the bills are to the point where I might be able to live with them because they do repeal the most objectionable feature, and that is the uniform property tax, nevertheless, they do establish a mill which takes that control away from the communities.

When the individual communities find that they go into a town meeting and there is an article in the warrant saying they will raise an amount of money and that amount of money, whatever it be, is the town's share, it might be a figure of say \$750,000, which comes close to what the article would be in my own home town, and that article is presented to the people for consideration and a motion is made to accept or reject it and the moderator indicates they really have no choice, that they have to accept that article, when there is a discussion whether they can raise or lower it, the moderator indicates that that can't be done.

To cite you a little story of one town that I heard of that is some distance from me, a reporter who covered the town meeting there, when a fellow got up and wanted to discuss the article and he was told that he couldn't, he said, "You mean that I can't discuss an article on some taxes that are going to be raised on my property in my own town meeting in my own community?" The moderator said, "No, the state law forbids this." Well, he slammed down his town report and walked out of the meeting. There were about 20 others that went with him. He said at the time, as far as he was concerned, he would never come back to another town meeting. I guess probably I can't blame him.

We are slowly moving more and more of our control from the local communities into the state level. I am not sure we as legislators, and certainly I for one have some reservations whether we want to get

into that type of situation. If we continue to increase the funding of education and we cross over that 50 percent line, there are many very learned, able students of education who have felt that we would be getting to the point where much of the control would be passed to the state level in many of the areas that we don't want to deal with. We will find it a real effort to settle the educational funding will not be done at the local level, and this will include all the various teachers rights that normally are negotiated in local negotiations right now but all will be handled down here.

The 151 members of this body want to get into that type of a situation, I am sure they think they have got problems facing us today in funding education but they will find that their problems are a great deal more difficult.

There have been some excellent articles written on the law that we presently have on the books, and I do want to close, not going into an extensive discussion, with one article that was written in the Bangor Daily News a week ago last Saturday and that probably is the best article I have ever seen in all that I have read on educational funding under the present law. The author of this article said, "People who pushed L.D. 1994 through the legislature sold it as a property tax reform which would result in a 20 percent reduction in local taxes. What the state actually got was a very complicated mechanism for automatically raising Maine's level of education spending, operating independently of current economic or fiscal conditions." I think that is very true and I think that is the situation we are faced with today.

I would like to see this particular amendment given serious consideration. Possibly, if it doesn't receive passage, I am sure there are going to be future studies of educational funding, I am sure that the last two programs that have been done are not the final effort that will be made in this area, and when they do, possibly they will take a serious look at some other methods of funding. There are 49 states in the country that I know of that have some form of foundation program. The only one that does not, to my knowledge, I think is Hawaii, which is funded 100 percent at the state level. Every one of them has to have a different approach and certainly it is a worthwhile effort to take a look at some of the other methods than the one we presently have.

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

Mr. KELLEHER: Mr. Speaker, I move the indefinite postponement of House Amendment "E".

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the indefinite postponement of House Amendment "E".

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

Mr. BERRY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from East Millinocket if I might. That question is, what level of funding does this amendment call for, and another question, how do you fund this amendment?

The SPEAKER: The gentleman from Buxton, Mr. Berry, has posed a question through the Chair to the sponsor.

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

Mr. BIRT: Mr. Speaker and Members of the House: I think I indicated

previously, at the very start of my discussion, that this would be funded with the amount of revenue that the legislature decided to put in. It could adequately be funded and taken care of with the amount of money that is available at the present time from the general fund for funding education. It also has some provisions in it for vocational education, transportation and special education.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I am generally reluctant to take a step backward now. On page 4 of the House Amendment, there is a sentence under Table I, "No administrative unit may qualify for more than 97 percent." But it doesn't say what the lower limit is. I remember under the Sinclair formula, the district that now pays in the largest sum to the State Treasury was getting \$28,000, and that, I think, is one of the serious mistakes that was made under the Sinclair formula. It was adopted as a political measure. Everybody had to get something, and those that really didn't need it got something. Those that really needed it didn't get as much as they ought to have.

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

A vote of the House was taken.

90 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

Mr. Greenlaw of Stonington offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-907) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: This amendment concerns the purchase of school buses in the State of Maine. School units are presently forced in some instances to purchase buses on short-term loans not to exceed three years. One of the reasons why this is necessary is that very often the entire purchase price of buses would require a unit to exceed so-called ceiling level. The result is that the state becomes committed to pay unnecessary interest charges, and I would call your attention to the back page, under the Statement of Fact, that shows that already as a result of bus purchases made this year and last year, the state is committed to paying substantial interest charges in this fiscal year and the next two fiscal years.

If we had \$3 million to put into this particular account at this time and would fund bus purchases on a current year basis, we could completely eliminate the necessity to purchase buses on short-term notes and then, as a result, having to pay what I consider to be unnecessary interest charges. That, of course, is not possible because there just isn't \$13 million around to put into that particular account at this time.

What this amendment does is two things — one, it places the purchase of school buses outside the so-called ceiling level so that if a unit wants to go and purchase a bus this year and has available funds, they can purchase it without the fear of having to exceed the spending limit and as a result having to buy it over a period of time.

It directs the Commissioner of Educational and Cultural Services to encourage administrative units, whenever possible, and I want to emphasize that — whenever possible, there is no mandate here — to pay for the cost of new buses from current funds rather than paying for them on short-term notes.

I think it is unfortunate we have to pay interest charges and I hope we will adopt this and I hope that future legislatures will be able to make a commitment of the necessary dollars to purchase buses so it can be done on a current-year basis rather than on a following-year basis.

Thereupon, House Amendment "F" was adopted.

Mr. Leonard of Woolwich offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-900) was read by the Clerk.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: This amendment, if you haven't read it, I think the Statement of Fact certainly says in its entirety what the amendment will do. My simple request through this amendment is to get rid of or delete the pay-in feature under the uniform property tax. I believe and will always believe, regardless whether the House accepts it or not — I am a realist — it is a fiscal irresponsibility, or it breathes fiscal irresponsibility to have the pay-in feature. I still believe the income tax is the only way to properly determine the townspeople's ability to pay. The property tax is not the proper way of funding education for other towns. For example, in my case it comes from Georgetown under the Governor's bill or the Lewis bill, Georgetown would be paying in \$52,000 to go to other places. As I said before, their income is, on the average, below the income of many of the receiving municipalities.

I, again, urge, at least for the record, that you consider this amendment and give it favorable approval and I ask for a roll call.

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

Mr. LYNCH: Mr. Speaker and Members of the House: This does exactly what the Statement of Fact says. It eliminates the uniform property tax and without a state uniform property tax, how do you compel communities to raise money to support their education system?

We had amendments like this floating around here a week or two ago. There was an appeals procedure attached to those. There is no appeals procedure attached to these that would compel the locality to raise sufficient money to educate their youngsters.

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

Mr. LEWIS: Mr. Speaker and Members of the House: This, of course, also adds \$6.4 million to the total cost of education, and unless we do have an additional tax, there is no way to pay for it.

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

Mrs. POST: Mr. Speaker, I think it is important to point out that this does not add any money to the cost of education, it simply shifts the burden again.

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 Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of changes to the amendment that was offered by Mr. Leonard. Now Mr. Lynch's question, the fact that the deletion of the provision wherein certain parents could appeal to the school board or the State Board of Education has been deleted from this thing, and this is true, there were some questions raised relative to that but there was something else added in here which would specifically require municipalities within their administrative districts — let me put it this way, would protect municipalities within an administrative unit and provide them the same privileges and options that are made available to all other municipalities.

I believe also that it provides for a scale or matching fund provision. That is, if a town does not raise the money, the 14½ mills, that the state money would be prorated on a percentage basis, depending on the percent of the 14.5 mills raised by the municipality so that there is some improvement to this particular amendment and these changes were made in response to certain questions raised within the floor of the House.

I think it is a good amendment, I think it improves the Lewis or the Governor's bill, whichever you prefer to call it, I think it improves it considerably and I hope this amendment passes.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the adoption of House Amendment "D". Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Birt, Blodgett, Byers, Churchill, Conners, DeVane, Doak, Durgin, Gould, Gray, Greenlaw, Hutchings, Jackson, Kauffman, Kelley, Kennedy, Laffin, Laverty, Leonard, Mackel, MacLeod, Maxwell, Palmer, Perkins, T.; Post, Saunders, Sprowl, Tarr, Winship.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Boudreau, Bowie, Burns, Bustin, Call, Carey, Carpenter, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Dow, Drigotas, Dyer, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, LaPointe, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; McBreairty, McKernan, McMahan, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Shute, Silverman, Smith, Snow, Snowe, Spencer, Strout, Stubbs, Talbot, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong.

ABSENT — Carroll, Curtis, Dudley, Farley, Gauthier, Mills, Susi.

Yes, 29; No, 114; Absent, 7.

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

Mr. Laffin of Westbrook offered House Amendment "G" (H-911) and moved its adoption.

The SPEAKER: The Clerk will read the entire amendment.

The CLERK: "Amend said bill by inserting before the emergency clause the following: Section 5, Title 26, Maine Revised Statutes Annotated, Section 772-A is enacted to read: Section 772-A: Tax on newspaper supplements; any person, partnerships, corporations, firm or its agent issuing one or more sheets of printed matter upon which is printed advertising materials only, which accompanies but which is not an integral part of, a newspaper shall pay a 2 cent fee for each such supplement. If the newspaper which the supplement accompanies is delivered by a person under 18 years of age, 1 cent of the fee shall be paid to that person and 1 cent shall be paid to the Treasurer of State for the purpose of funding the Educational Finance Law. If the newspaper which the supplement accompanies is delivered by a person over the age of 18, the entire 2 cent fee shall be paid to the Treasurer of State for the purpose of funding the Educational Finance Law."

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

Mr. KELLEHER: Mr. Speaker, is this amendment germane?

The SPEAKER: The Chair would pose a question to the gentleman from Skowhegan, Mr. Dam, as to the amount of the tax that would have been generated under the bill presented by him during the regular session?

Mr. DAM: Mr. Speaker, in answer to the question, the tax right now would, of course, be double what it would have been on the other bill so this would generate approximately a million dollars where the other one was only generating \$500,000. Since this was a tax like income tax, it would generate revenue.

I think the good sponsor from Westbrook, Mr. Laffin, in his estimation as well as mine, this would be a tax revenue measure and that it would be germane because we would be generating additional money.

The SPEAKER: The Chair thanks the gentleman from Skowhegan for his assistance. The Chair would rule that the amendment is germane, in view of the fact that the amendment deals specifically with making monies available to the School Finance Act and that the present law deals with replacing and repealing the present School Finance Law.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I offered this amendment because all the amendments that we have had here today have been spending money. This is the only amendment that has been put in that would go for the revenue of the school funding law. I know that it is only going to be around \$300,000 and I know that is not too much money, but I do feel that it is a step in the right direction and this will go into the State Treasury and it definitely states in the bill that it is to be used specifically for funding of education.

I certainly hope that the members of this House will support my amendment.

The SPEAKER: The Chair recognizes

the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, I move indefinite postponement of whatever is before us. I have no number or anything like that.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to the gentleman who proposed this amendment, because it does represent a tax increase, whether they have talked to the Governor on whether the Governor would accept this or he would veto this tax increase?

The SPEAKER: The Chair would advise the members of the House that we are not in a position to either ask or answer the question; the Governor's action can have no bearing on our own action.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think this afternoon I have been more deeply touched by my good friend Mr. Laffin from Westbrook in offering this amendment than on anything that has ever happened in eight years of the legislature. I think Mr. Laffin, being the opposition political party to myself, recognizes, too, and he did in the regular session, not only the need to correct some inequity in the present system but in this session he recognizes the need for additional money and I do too.

I don't think this is a tax increase and I don't think that the good Governor would veto this. This is bringing in additional revenues which we have been overlooking in the years past. This is not a tax increase, this is something that has eluded us for many, many years and, finally, the good gentleman from Westbrook has brought this home to roost and he has brought it into focus. The newspapers would be giving this money and at the same time, this is not only helping youngsters and helping education of youngsters, but it could help the minorities, the senior citizens, whoever helps to deliver these papers.

I would today that we didn't indefinitely postpone an amendment with the feeling and the warmth and the compassion that this amendment has got. This amendment has got just about everything that any of you people could ever hope to want. This is truly the greatest amendment that has ever been offered and, again, I commend my good friend from Westbrook, Mr. Laffin.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I supported a bill that Everett Dam sponsored in this legislature in the 107th and I believe he also sponsored it in the 106th. I am in sympathy with my good friend from Westbrook, and he is my good friend, Mr. Laffin, but I think we should heed the motion that was made by Mr. Farnham from Hampden and dispense with this amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that House Amendment "G" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Dam of Skowhegan 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 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 spending question before the House is on the motion of the gentleman from Hampden, Mr. Farnham, that House Amendment "G" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Bowie, Burns, Bustin, Byers, Call, Carter, Clark, Cooney, Cote, Cox, Curran, R.; DeVane, Drigotas, Farnham, Fenlason, Fraser, Garsoe, Gray, Henderson, Hennessey, Hewes, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Joyce, Kelleher, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacLeod, Mahany, Martin, R.; Maxwell, McBrearty, McKernan, Miskavage, Mitchell, Morton, Mulkern, Palmer, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rollins, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Torrey, Truman, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, The Speaker.

NAY — Carey, Carpenter, Chonko, Churchill, Conners, Connolly, Curran, P.; Dam, Davies, Doak, Dow, Dyer, Faucher, Finemore, Flanagan, Goodwin, K.; Gould, Greenlaw, Hall, Higgins, Hinds, Jacques, Jensen, Kany, Kauffman, Kennedy, Laffin, LaPointe, Lizotte, MacEachern, Martin, A.; McMahon, Morin, Nadeau, Najarian, Norris, Pearson, Pelosi, Post, Rideout, Rolde, Shute, Tierney, Tozier, Tyndale, Winship.

ABSENT — Birt, Boudreau, Carroll, Curtis, Dudley, Durgin, Farley, Gauthier, Goodwin, H.; Mackel, Mills, Susi.

Yes, 93; No, 46; Absent, 12.

The SPEAKER: Ninety-three having voted in the affirmative and forty-six in the negative, with twelve being absent, the motion does prevail.

The pending question now before the House now is passage to be engrossed of L. D. 2031 as amended by House Amendment "B" as amended by House Amendment "B" thereto and House Amendment "F".

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

Mr. ROLDE: Mr. Speaker, I would request a roll call on passage to be engrossed and I also would like to pose a question. My question is, in the beginning of the so-called Lewis bill, under Section 3741, in the section titled "Intent," is it the intent of the legislature to limit the burden of basic education costs in public schools which are borne by the uniform property tax to no more than 50 percent of the basic education appropriation to provide at least 50 percent of the basic education appropriation from state general fund revenue sources other than the uniform property tax? I presume that is still intact even with the amendment.

Other speakers here today have spoken of an actual shift because of the funding of this bill so that the communities, and I

believe the gentleman from Waterville, Mr. Carey, cited the figure that the communities would be picking up 50.5 percent and the state the remainder.

My question is, and I pose this to the gentlewoman from Auburn, Mrs. Lewis, or to anyone else who could answer, if this language remains in the bill that we do not maintain the 50-50 split between the state and the uniform property tax, could school communities actually bring a suit against the state for us to maintain the 50-50 split?

The SPEAKER: The gentleman from York, Mr. Rolde, has posed a question through the Chair to the gentlewoman from Auburn, Mrs. Lewis, who may answer if she so desires.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would think that the mere fact that they set the intent of something isn't binding to allow a suit to make the state pay up to 50 percent if in fact the state is only paying about 45 percent.

While I am on my feet, I would like to note that the state, under this bill, does pay 90 percent of the transportation costs, 90 percent of the special education costs and 90 percent of the vocational education costs. So I think if you added everything in, it might be nearer to 50 percent, after all. The intent of 50 percent is the hope, it is the goal, but it isn't binding, obviously, because there isn't enough money to fund the complete 50 percent.

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 Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I now know how it is or how it feels to stand up and offer an amendment that you have precounted and know you are only going to get about 30 votes on. The wind has gone out of my sails because I had hoped that this legislature would come up this year, and perhaps the last year that any of us serve, with a solution to the school funding law. We are passing, and it appears there is no doubt, at least in my mind, that the Lewis bill will go through and I honestly believe it is going to cause a supreme hardship upon people who do not have the ability to pay. I honestly feel, and I am not really sure why or what happened, but I think this legislature has had time to deal with the problem and I think we failed, and if we continue, we will fail next year. Because we have failed this year, I would hope in my own heart that the people will elect a new body, because we are not coming to grips with the problems of this state.

We had a meeting with the Governor last night. It was clearly obvious to a few of us legislators that he wouldn't go along with any kind of tax increase or tax shift. I personally think that is purely irresponsible because I don't think that our people can stand an increase to 14½ mills on the local property tax. I honestly believe that. I have become intimately familiar with a lot of the problems on the local level, as probably many of you have and by ourselves we see the problem but we can seem to come together and solve

the problem. Maybe next year we will; I hope I am back to try.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I may have missed it somewhere along the line, but in this bill, I don't see anything that addresses itself to the present deficit. If I am incorrect, I would like to have somebody point out to me where this bill does address itself to the deficit and is taking steps to pay it. That is one of our educational funding problems and I think we should address that in this session as well as the whole picture. 14½ mills is going to be a burden on a great many property taxpayers.

I am not in favor of 14½ mills, I would be in favor of 13¼ or 13, or whatever, but I can't see increasing property taxes because my people in District 38 tell me that they have had it. The property tax is as it should be and should be left alone and shouldn't have to be increased in Augusta. They are perfectly willing to do something about an income tax, and this is the message I am getting loud and clear. The other message I am getting loud and clear is that no way can I vote for any bill here that does not address itself to taking care of a deficit which we cannot allow to be deferred another year, because another year may mean another deficit, and we are having a difficult time handling current expenses, say nothing about paying our bills.

I would hope that you would defeat this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker, could you tell me what other amendment — they have 907, 905, is there another one that was accepted?

The SPEAKER: The Chair would respond that the amendments that are on this bill at this point are House Amendment "B" (H-898) as amended by House Amendment "B" (H-905) thereto and House Amendment "F" (H-907).

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I have been against this bill for many, many reasons, but last night I discovered a new one and that is, this bill would provide \$10 million more for education than was spent last year, but that \$10 million is being picked up entirely on property tax and the state's share is being increased but very little over what we put into education last year.

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

Mr. LYNCH: Mr. Speaker, what position will we be in if we engross item 2 with regard to item 3.

The SPEAKER: We will have to dispose of it in the same manner.

A roll call has been ordered. The pending question is on passage to be engrossed. All those in favor of this Bill being passed to be engrossed as amended will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bagley, Berry, P. P.; Berube, Birt, Burns, Call, Carey, Carter, Churchill, Conners, Cooney, Cote, Dam, DeVane, Durgin, Dyer, Faucher, Fenlason, Finemore, Garsoe, Gould, Hewes, Higgins, Hinds, Hunter, Immonen, Jacques, Jalbert, Kauffman, Laverty, Lewin, Lewis, Lizotte, Lovell, Lunt,

Lynch, MacEachern, Mackel, MacLeod, McBreairty, McKernan, McMahan, Morton, Norris, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rideout, Rollins, Saunders, Silverman, Snowe, Sprowl, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Tyndale, Walker, Webber, Winship.

NAY — Albert, Ault, Bachrach, Bennett, Berry, G. W.; Blodgett, Boudreau, Bowie, Bustin, Byers, Carpenter, Chonko, Clark, Connolly, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Farnham, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hutchings, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, LeBlanc, Leonard, Littlefield, Mahany, Martin, A.; Martin, R.; Maxwell, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Quinn, Rolde, Shute, Smith, Snow, Spencer, Strout, Stubbs, Talbot, Theriault, Tierney, Usher, Wagner, Wilfong, The Speaker.

ABSENT — Carroll, Curtis, Dudley, Farley, Gauthier, Mills, Susi.

Yes, 65; No, 79; Absent, 7.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-nine in the negative, with seven being absent, the motion does not prevail.

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

Mrs. LEWIS: Mr. Speaker, I would now ask for reconsideration, please.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, moves we reconsider our action whereby this bill failed of engrossment.

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

Mr. COONEY: Mr. Speaker, weren't we voting on that measure under reconsideration?

The SPEAKER: The Chair would answer in the negative.

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

Mr. CAREY: Mr. Speaker, is it not a fact that what we were reconsidering was the bill previously and now what is an amended form, so we can reconsider where it is no longer in the same shape as it was when we first reconsidered it?

The SPEAKER: The Chair would answer in the negative. The bill was indefinitely postponed. We reconsidered indefinite postponement of the bill. The bill has failed of engrossment. The gentlewoman from Auburn, Mrs. Lewis, has moved to reconsider whereby it failed of engrossment, which is proper, since this is not the same motion as the motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker, the lady has made a motion, as I understand it, and if we defeat her motion now, this bill cannot be reconsidered again for engrossment.

The SPEAKER: The Chair would answer in the affirmative. The matter will be going to the other body.

Mrs. Kany of Waterville requested a roll call vote on reconsideration.

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

Mr. JALBERT: Mr. Speaker and Members of the House: We are now acting on the reason why we first came here. This measure is yet to be discussed in any way,

shape or manner before the other body. By agreement, all the education bills were brought before us here and we know what the sentiment is without too much rhetoric from me. By the same token, we have put amendments on this bill so that we certainly intended, by putting amendments on the bill, to keep the bill alive and have it go to the other body.

I suggest to you that you might reflect, while you push your key and reconsider, along with the gentlewoman from Auburn, Mrs. Lewis, and send this bill on to the other body for their debating it and their consideration and we may learn a little more out of it from there. I certainly, wholeheartedly, urge you to do just that and support the motion of the gentlewoman from Auburn, Mrs. Lewis.

The SPEAKER: The Chair would advise the gentleman from Lewiston, Mr. Jalbert, and the other members of this body, regardless of what action we take on this bill, it will be going to the other body.

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

Mr. JALBERT: Mr. Speaker, I have been here for 31 years and I am fully aware that this bill would go to the other body, but I want it to go to the other body in a different posture than you might want it to go to the other body.

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

Mr. LEONARD: Mr. Speaker, I would like to move that this matter be tabled until after the disposition of item 3.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It would be my personal opinion that this bill is in exactly the right posture to go down to the other body. It is the end of equal education opportunity in this state. It represents gross inequities in property tax and it is acquiescence to a philosophy of taxing those who are least able to pay.

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

Mr. CAREY: Mr. Speaker, I would move that this be tabled until later in today's session.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that this matter be tabled until later in today's session. The Chair hears objection and the Chair will order a vote. All those in favor of this matter being tabled until later in today's session will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that the House reconsider its action whereby this Bill failed of passage to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Call, Carey, Carpenter, Carter, Churchill, Conners, Cooney, Cote, Dam, DeVane, Durgin, Dyer, Faucher, Finemore, Garsoe, Gould, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jacques, Jalbert, Kauffman, Kelley, Laverty, Leonard, Lewis, Littlefield, Lizotte, Lovell, Lunt, Mackel, MacLeod, McBreairty, McMahon, Norris, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rollins, Shute, Silverman, Snowe, Sprowl, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Tyndale, Walker, Webber, Winship.

NAY — Albert, Ault, Bachrach, Bennett, Blodgett, Boudreau, Bustin, Byers, Chonko, Clark, Connolly, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Farnham, Fenlason, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lewin, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McKernan, Miskavage, Mitchell, Morin, Morton, Mulhern, Nadeau, Najarian, Palmer, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Saunders, Smith, Snow, Spencer, Strout, Stubbs, Talbot, Theriault, Tierney, Usher, Wagner, Wilfong, The Speaker.

ABSENT — Carroll, Curtis, Dudley, Farley, Gauthier, Mills, Susi.

Yes, 65; No, 79; Absent, 7.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-nine in the negative, with seven being absent, the motion does not prevail.

Sent up for concurrence.

#### (Off Record Remarks)

Mrs. Clark of Freeport was granted unanimous consent to address the House.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I simply wanted to speak on behalf of the Committee on Business Legislation, who were in public hearing this afternoon and arrived tardily to the House, and it is my understanding that we, as a committee, missed one roll call. I would want the record to show that we were, indeed, working.

#### (Off Record Remarks)

On motion of Mr. Lizotte of Biddeford, Adjourned until nine o'clock tomorrow morning.