

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

Monday, February 23, 1976

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

Prayer by Father Bertrand Poussard of Waterville.

The members stood at attention during the singing of the National Anthem by the Oxford Hills High School Vikettes and Viking Voices of Oxford Hills.

The journal of the previous session was read and approved.

The SPEAKER: On behalf of the members of the House, we want to thank the Marines from the Marine Barracks of the Naval Air Station for the performance which they provided for us during the stamp ceremony this morning and also for being here today. Thank you very much. (Applause)

Papers from the Senate

From the Senate: The following Joint Order: (S.P. 706)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of James L. Boyle of Waterville founder of American Legion Boys State in Maine.

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgment 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.

Bills from the Senate requiring reference were disposed of in concurrence.

Non-Concurrent Matter

Joint Order Relative to State Government Committee Reporting out a Bill Authorizing Legislative Review and Suspension of Proposed and Existing Administrative Rules and Regulations (H.P. 2048) which was read and passed in the House on February 18.

Came from the Senate Read and Indefinitely Postponed in non-concurrence.

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

Messages and Documents

The following Communication: (H. P. 2065)

State of Maine
Executive Department
State Planning Office
184 State Street, Augusta,

January 26, 1976

To the Governor, Legislature and People of Maine:

The attached Survey of Municipal Planning and Regulatory Activity contains a summary of the current status (October 1975) of municipal planning and land use controls in Maine, a comparison of the situations in 1972 through 1975, and a series of charts showing the level of activity in each municipality in Maine, grouped according to the eight Official Planning and Development Districts.

The number of municipalities which have joined Regional Planning

Commissions decreased by 11 from 1974 to, a total of 345. The number of planning boards reported also decreased slightly. However, zoning ordinances covering all or part of a municipality have been adopted by 138 municipalities, an increase of 5 percent to 34 percent. Municipally adopted shoreland zoning ordinances have increased from 8 percent in January 1974 to 72 percent in October 1975, a total of 319 cities and towns. Subdivision control ordinances have also shown an increase; 48 percent of Maine's municipalities now have them. Municipally appointed conservation commissions now serve 47 percent of Maine's municipalities.

There is a direct correlation between the size of a municipality and the adoption of zoning other than shoreland zoning. Of municipalities over 10,000 population, 94 percent have zoning ordinances but this declines to 12 percent for municipalities with under 500 population. Development pressures have also encouraged adoption of zoning ordinances, with the Southern Maine, Cumberland and Southern Mid Coast Districts having the highest percentages of zoning ordinances.

Despite the increasing pressure on municipal budgets, municipal capital improvement programs have remained at a low level. Mobile home ordinances have also increased as this type of housing has become more prevalent in Maine.

The various maps and charts provide a detailed picture of the status of land use controls in Maine.

Sincerely,

(Signed) ALLEN PEASE
State Planning Director

The Communication was read and with accompanying report ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

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

Natural Resources

Resolve, Authorizing the Exchange of Certain Public Reserved Lands (H.P. 2066) (Presented by Mr. Martin of Eagle Lake) (Co-sponsor: Mr. Palmer of Nobleboro) (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.

Orders

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage: (H. P. 2067) (Cosponsor: Messrs. Raymond of Lewiston, Cote of Lewiston, Jacques of Lewiston)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Blue Devils of Lewiston High School Boys' Hockey State Champions for 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.

(Off Record Remarks)

House Reports of Committees Ought Not to Pass

Mr. MacLeod from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Reserve Funds to Increase Employees' Salaries" (Emergency) (H. P. 1801) (L. D. 1960) reporting "Ought Not to Pass"

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase Certain Salaries of State Officers, State Officials, Members of the Judiciary and District Attorneys" (Emergency) (H. P. 1820) (L. D. 1981) reporting "Ought Not to Pass"

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Appropriations from the General Fund for the Expenditures of the Department of Educational and Cultural Services for the Current Year Ending June 30, 1976" (Emergency) (H. P. 1841) (L. D. 2006) reporting "Ought Not to Pass"

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds for the Continuation of Children's Services within the State of Maine" (H. P. 1864) (L. D. 2035) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 17-A and sent up for concurrence.

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Dental Care to Developmentally Disabled Boarding and Nursing Home Clients and to Other Persons" (H. P. 1897) (L. D. 2077) reporting "Ought Not to Pass"

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

Mr. SMITH: Mr. Speaker, this item is in error.

Thereupon, the Bill was recommitted to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to the Maine Correctional Advisory Commission" (Emergency) (H. P. 1902) (L. D. 2089) reporting "Ought Not to Pass"

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act Authorizing Funds for the Purchase of Certain Lands Adjoining the Capitol Complex" (H. P. 1926) (L. D. 2113) reporting "Ought Not to Pass"

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act Authorizing the Department of Indian Affairs to Purchase Niatow Island on Behalf of the Penobscot Tribe" (H. P. 1935) (L. D. 2123) reporting "Ought Not to Pass"

Mr. Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a Bond Issue in the Amount of \$1,800,000 for the Renovation of Quick and Leavitt Halls at the Maine Maritime Academy" (H. P. 1963) (L. D. 2152) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 17-A and sent up for concurrence.

Mr. MacLeod from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish the Contract Review Committee to Oversee the Bureau of Purchases" (H. P. 1980) (L. D. 2172) reporting "Ought Not to Pass"

On motion of Mr. Smith of Dover-Foxcroft, under suspension of the rules, the Bill was recommitted to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

Leave to Withdraw

Mrs. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act Creating the Maine Commission for Women" (H. P. 2008) (L. D. 2190) reporting "Leave to Withdraw"

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations for the Maine Human Services Council" (H. P. 1815) (L. D. 1973) reporting "Leave to Withdraw"

Mr. McBrearty from the Committee on Natural Resources on Bill "An Act to Clarify the Provisions of the Water Pollution Statutes" (H. P. 1909) (L. D. 2096) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Tabled and Assigned

Five Members from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to the Maine Chapter of the Epilepsy Foundation of America" (H. P. 1907) (L. D. 2094) reporting Report "A" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. HUBER of Cumberland
GAHAGAN of Aroostook
MARCOTTE of York

— of the Senate.
Messrs. MacLEOD of Bar Harbor
GARSOE of Cumberland

— of the House

Five Members from the same Committee report in Report "B" that the same "Ought to Pass"

Report was signed by the following members:

Messrs. SMITH of Dover-Foxcroft
CARTER of Winslow
LeBLANC of Van Buren
JALBERT of Lewiston

Mrs. GOODWIN of Bath

— of the House.

Reports were read.

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

Mr. SMITH: Mr. Speaker, I move the House accept Committee Report B and would speak briefly to my motion.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, moves that the House accept Committee Report B, "Ought to pass".

The Chair recognizes the same gentleman.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: You may think it curious that we have two divided reports today from the Committee on Appropriations, a rare occurrence, indeed. With respect to item 14, which is before you now, the reason I signed Report B was really a matter of consistency as far as my personal signature was concerned.

A few days ago, you will recall that the Committee on Health and Institutional Services reported "ought to pass" on a similar bill for the Arthritis Foundation and it was my feeling that all of these diseases, if we are going to start reporting them out "ought to pass," they sought to get similar and equitable treatment from the Appropriations Table, particularly where they are coming from various committees. That is why I signed Report B and urge passage today, although from looking at the report from the Senators, I have no doubt what is going to happen to this bill.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I feel I have got to explain my signature on this as a matter of consistency also, because if it isn't apparent now, I think it is very shortly going to be apparent that we are going to be saying no to a great many fine pieces of legislation. This particular one is a new program that the state is being asked to participate in. It is basically money to enable this group, who are doing fine work, but it is, nevertheless, to enable them to set up their fund-raising structure, and I believe that given the situation that we are faced here today, we would be doing everyone a service if we could give these bills the treatment that I think they eventually are going to get anyway and put them to rest.

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

Mrs. NAJARIAN: Mr. Speaker, I move this be tabled one legislative day.

Thereupon, Mr. Palmer of Nobleboro requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Najarian, that this matter be tabled pending the motion of Mr. Smith of Dover-Foxcroft to accept Report B and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Young Women's Christian Association Fair Harbor Emergency Shelter in Portland, Maine an Emergency Shelter for Girls" (H. P. 1876) (L. D. 2051) reporting "Ought Not to Pass"

Report was signed by the following members:

Messrs. HUBER of Cumberland
GAHAGAN of Aroostook
MARCOTTE of York

— of the Senate.

Messrs. SMITH of Dover-Foxcroft
MacLEOD of Bar Harbor
CARTER of Winslow
GARSOE of Cumberland

— of the House

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

Report was signed by the following members:

Mrs. GOODWIN of Bath
Messrs. LeBLANC of Van Buren

JALBERT of Lewiston

— of the House

Reports were read.

(On motion of Mr. Smith of Dover-Foxcroft, tabled pending acceptance of either Report and tomorrow assigned.)

Consent Calendar

First Day

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

(H. P. 1973) (L. D. 2162) Bill "An Act to Include Mail Order Merchants and Creditors Under the Maine Consumer Credit Code" (Emergency) — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-922)

(H. P. 1964) (L. D. 2153) Bill "An Act Authorizing Central Maine General Hospital School of Nursing to Confer Associate Degrees in Nursing" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-924)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 24, under listing of the Second Day.

Consent Calendar

Second Day

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

(H. P. 1851) (L. D. 2020) Bill "An Act Authorizing Educational Associates, Inc., to Confer Associate in Applied Science Degrees" (C. "A" H-919)

(S. P. 658) (L. D. 2083) Bill "An Act to Amend the Real Estate Disclosure Law" (C. "A" S-399)

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

Passed to Be Engrossed

Amended Bill

Bill "An Act Authorizing the Legislative Council to Accept Grants from Public and Private Agencies" (Emergency) (S. P. 672) (L. D. 2143) (S. "A" S-400)

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

Passed to Be Enacted

Emergency Measure

An Act Converting Wallgrass Plantation into the Town of Wallgrass and Converting New Canada Plantation into the Town of New Canada (H. P. 1822) (L. D. 1983) (C. "A" H-897)

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. 128 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 Relating to Fiscal Year Transitions for Municipalities (H. P. 1833) (L. D. 1998)

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. 122 voted in favor of same and 8 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to have clarified here that they have to be here to accept the pay, as we do, by being here for special session.

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

Mr. MILLS: Mr. Speaker and Members of the House: They can't collect unless they come here first.

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

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

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

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

Mr. MORTON: Mr. Speaker, I would like to address a question through the Chair to anyone who would care to answer it. I have read the original statutes and I have read this one. I see very little difference and I would like to know the purpose of this bill, if I may, please.

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: In order to answer this and clarify it, I would like to explain that during session here on the 107th, the regular session, we passed this to become law. However, there were a couple incidents in it where it should have been "shall" or "may". Consequently, this way it ties the volunteer firemen, it ties the volunteers who are having red lights on their cars to answer specifically to the chief of the municipality of the fire department or the town fire department, whichever the case may be, that they are responsible to them and in return the chief is responsible to the municipal officers of all communities. Therefore, we did leave out a few words and the bill was rewritten for the concern of the state police and the concern of the fire chiefs and the concern of the municipalities.

When I put that bill in, I did leave that out and I would have to take the blame for it, the first session we were in, and now we feel that it is corrected for all concerns and that is why we had to have that go.

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

Mr. MORTON: Mr. Speaker, the reason I am inquiring about this bill, I did have a

call from the fire department in my community in connection with it. Apparently the gentleman from Westbrook perhaps can clear me up on this. This does allow for the red light to be displayed in two places rather than one, where it presently is only on the dash, and I am a little bit concerned, and I will make sure that I understand it, because this does say down in the sixth line from the bottom "except where actually enroute to the scene of the fire or other emergency requiring his services." The old law says, "or other emergency" well, maybe it says exactly the same thing. But I want to make sure that a firefighter can use his red light when he travels from his home to the fire station to get on the fire trucks to go to a fire.

I hope the gentleman from Westbrook can clear that up.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House; In response to Representative Morton's question, it definitely does. This is primarily a volunteer fireman's bill. It does allow him to go from his home to the fire station to get onto a truck and use his red light. Under this law, it has been clarified as such.

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

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

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

Tabled — February 20 by Mrs. Najarian of Portland

Pending — Final Passage

On motion of Mr. Birt of East Millinocket, under suspension of the rules, the House reconsidered its action whereby the Resolution was passed to be engrossed.

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

House Amendment "A" (H-926) was read by the Clerk and adopted.

The resolution was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

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

Tabled — February 20 by Mr. Talbot of Portland

Pending — Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-925) was read by the Clerk.

The SPEAKER: The Chair recognizes

the gentlewoman from Vassalboro, Mrs. Mitchell.

Mr. MITCHELL: Mr. Speaker and Members of the House: During the course of this bill's passage between the two bodies, the question was raised as to whether or not the bill accomplished its intent. Unfortunately, the Attorney General confirmed my worst fears, it did not accomplish its intent. For this reason, I have drafted an amendment which the same Attorney General agrees does accomplish the purpose of this legislation.

Currently, when a town appropriates money for the use of an incorporated volunteer fire department, any amount in excess of \$1,000 is distributed and controlled by the selectmen. This amendment allows the town to have two options. They can continue to operate the way they have always operated, with the selectmen controlling the amount of money, or the entire appropriation may be passed over to the treasurer of the fire department for the fire department to administer.

One of the towns that I represent brought this bill to my attention for this reason. The Town of Sidney has three volunteer fire departments. Annually, they appropriate approximately \$7,500. Only \$1,000 can go directly to the three departments, which means approximately \$300 per department. Every time the other department needs money, they must go back through the selectmen.

If the town wishes, under this amendment, by vote of a governing body, the entire \$7,500 in Sidney could go directly to the treasurer of the department. If a town did not vote to do this, business would be continued as usual. This bill offers the option of local control to the community as to how they wish to expend the money they have appropriated for the fire department.

Thereupon, House Amendment "A" was adopted.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Mitchell has done an excellent job of explaining the amendment. I am sure there are many in here who are served by volunteer departments and there are some that are not. For those who are not served by volunteers, I would just like to explain that currently the appropriations that are appropriated at a local town meeting to the fire department go through the selectmen and go through the town treasurer. The fire departments have no great trouble getting the money that is appropriated. They merely go out and buy whatever they want to buy, according to their budget, submit the bills back to the selectmen and the treasurer writes the checks and pays the bills.

In the Town of Buxton, this year, and I have the town warrant here, in all probability we will appropriate \$89,446 to be expended for purposes of fire protection. Under Mrs. Mitchell's bill, it would be possible in another year for the town treasurer to write a check for \$89,446 and pass it directly to the fire chief. We happen to have very good, capable fire chiefs in the Town of Buxton right now, but these chiefs are elected by the fire department; they are not elected by the town's people, and we could have practically anybody for a fire chief, and most of the people in town would have nothing to say about it. I certainly wouldn't feel very comfortable, knowing some of

the people that could be fire chiefs, having a check in their possession, or the fire department's possession, for \$89,000.

It seems to me that there is nothing wrong with the way it is presently done. It is a good system and it is the exact same system that every penny that is spent in behalf of the Town of Buxton goes through. I really don't see any need to change that system for one town in the State of Maine.

I don't know why any fire department would want the responsibility of keeping accurate books, accurate enough to the extent that they could go to a town meeting and answer any question that might be asked about the expenditure of the sum of money that, as Mrs. Mitchell said would be \$7,000 in her case; in my case, it would be \$89,000. I think the selectmen and the treasurer of the town are far more capable of disbursing that money than any fire chief that I know of. Therefore, I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Buxton, Mr. Berry, moves the indefinite postponement of this Bill and all accompanying papers.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I am not speaking on the amendment that the good lady offered; I am speaking directly on the bill as it is before you. I hope that we do not indefinitely postpone this bill.

In the bill itself, the way it was presented, it does not mandate that the municipal officers or treasurer turn over the money to the fire chiefs of an incorporated volunteer fire department. What was done, we struck out the words "Not in excess of \$1,000." Assuming a town had raised \$1,500, they could not have turned this over in one lump sum. Under this bill, they could, because it says that when a sum has been appropriated for the use of the department, the municipal officers may issue — may issue their warrant.

With this bill the way it is, it keeps it in the hands of the municipal officers. It does not mandate that they turn over \$87,000, \$8,000, \$7,000 or any number of thousands to the volunteer incorporated fire department, it says they may. That is all it says. It is permissive legislation for those towns that want to do it.

As far as the amendment, I am not speaking on the amendment, just on the bill itself and I would hope we would not indefinitely postpone it today.

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

Mr. BERRY: Mr. Speaker, I would just like to remind my good friend from Skowhegan that there is no bill, it is the amendment. The amendment replaces the entire bill. So I guess if he is speaking on the bill, he must be wrong.

I would also like to read an opinion from the Attorney General regarding the amendment, or the bill, and the opinion from the Attorney General says, "Removal of the words 'not in excess of \$1,000' will provide communities with an option in administering fire department appropriations. Once the warrants are issued, administration of the appropriations becomes the sole responsibility of the incorporated volunteer fire department."

The Attorney General has said, if you do remove the \$1,000, the fire chiefs are responsible and do have that money and can expend that money and it won't have

to go through the selectmen or the town treasurer. If anybody doesn't understand that, I would be glad to let them read this later on.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I am sorry Mr. Berry had such trouble, but one reason he had such trouble is because the bill is not before us, so this really isn't germane. On the second stack here, he has another letter saying the amendment does exactly what I said it would do. It gives the towns the option, as Mr. Dam has said. They may continue to do business as usual or they have the option of giving the money directly to the fire department. Buxton can manage its money any way it chooses and Sidney can manage its money any way it chooses.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: We have had some problems in our community with this method of disbursement of funds; therefore, I am interested in the bill.

Previously, in dealing with volunteer fire departments, there was another situation that seems to be analogous to this. There was bill passed that would have allowed selectmen to appoint a single fire chief in a town. This was passed by the 106th Legislature, which caused quite a good deal of difficulty.

In the last regular session, I sponsored a bill, cosponsored it with the gentleman from Buxton, Mr. Berry, which would have given towns the option at a town meeting of deciding if they wanted to give that power to the selectmen or if they wanted to choose another method. It seems to me that this is exactly what Mrs. Mitchell's bill will do, it will leave it up to the towns to decide how they want to operate and deal with their volunteer fire department. I hope you will support her bill.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: When this bill originally came out, I had some thoughts on whether it was permissive or not. I think the amendment that is before us today clarifies my position. From what discussion I have had with municipal officials is that the amendment takes care of what we actually want.

In essence, I think what you are saying here with this amendment is that the towns will have the option whether they want to vote at their local town meeting to require the municipal treasurer to turn the money over to the chief. I think this is one of the problems I had with it, and as I see the amendment today, I see no problem with this bill. I think we should pass this along.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: When I spoke previously, I did not have the amendment before me, I had just the bill. However, as far as the amendment that Mrs. Mitchell has offered, it is just what Mr. Strout has just got done telling you, it will allow the towns to do what they want to do. It does not mandate anything to them, it does not change anything, it merely lets the towns vote the way they want to, appropriate the money and disburse the money. There are two methods there, and they can either stay with the method we have now or they

can adopt the method they want themselves. It is a good amendment and I would hope we do not indefinitely postpone.

Mr. Berry of Buxton was granted permission to speak a third time.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I don't stand here proposing that this doesn't make it optional. I didn't say that. I know it makes it optional. But I would ask you to consider this, and I will give you an example of what happens in my town. We have three fire departments located in each corner of the town. These fire departments are manned by about 150 volunteer firemen. I have lived in a small town long enough to know that if anybody decides that they want something, the place to get it is town meeting, and the way to do it is to bring 150 people to town meeting.

Anybody who lives in a small town knows just exactly what I am saying. If you brought 150 people to any town meeting that was ever held in the Town of Buxton, you could give the Town of Buxton, to the Town of Hollis if you wanted to do it.

While you may think this is optional, because it does look that way, I am telling you it is not optional and within one year, if this bill passes, if you want to know how optional it is, come on down to the town meeting one year from next Saturday.

The SPEAKER: The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that this Bill and all accompanying papers 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. Shute of Stockton Springs requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Berry, P. P.; Birt, Bowie, Call, Carey, Carter, Cote, Dow, Dudley, Durgin, Farley, Gray, Hennessey, Hewes, Hobbins, Hunter, Hutchings, Immonen, Ingegneri, Jacques, Jensen, Joyce, Kauffman, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Martin, A.; McBrearty, McMahon, Mills, Morin, Norris, Peterson, P.; Quinn, Rideout, Rollins, Shute, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Webber.

NAY — Ault, Bagley, Bennett, Berry, G. W.; Berube, Blodgett, Boudreau, Burns, Bustin, Byers, Carpenter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Dam, Davies, Doak, Drigotas, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Higgins, Hughes, Jackson, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lovell, Lunt, MacEachern,

Martin, R.; Maxwell, McKernan, Miskavage, Mitchell, Morton, Nadeau, Najarian, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Pierce, Post, Powell, Raymond, Rolde, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Strout, Tierney, Wagner, Wilfong, Winship.

ABSENT — Carroll, Curtis, DeVane, Dyer, Faucher, Gauthier, Hinds, Jalbert, Mahany, Mulkern, Palmer, Peterson, T.; Sprowl, Walker.

Yes, 57; No, 79; Absent, 14.

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

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

Mr. Burns of Anson was granted unanimous consent to address the House.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: We have been here six weeks knocking our heads against a brick wall attempting to solve an insolvable problem, because to date we have not bitten the bullet and attacked the real problem — raising money. Education needs funding, state employees need a raise and the taxpayers of the state need relief. These problems are tearing the state apart.

The last report card stated that the 107th Legislature has been one of the hardest working, dedicated bodies this state has seen in many years. We have the expertise with the additional experts in the executive branch as well as the citizens of this state. We can start with the Governor's Report on Taxation and fashion a tax package. Why should we allow the 108th Legislature to go down in history as the group that gave this state tax reform? The tools are available, and as a freshman legislator, I am ready to roll up my sleeves and go to work. Let's have tax reform now.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: On your desks today, there is what is known as the Legislative Bulletin put out by Maine Municipal Association. I would like to call your attention to this, because I think this is one reason why the municipal officers and the municipal officials of this state and the small towns are really confused with what is going on down here in the State Legislature.

On the front page, as you read this, it says "as a result of an amendment eliminating the uniform fiscal year mandate for school purposes, L.D. 1998 was killed by the Senate this week." Then you go on and read that this amendment was not successful in the House and caused the entire bill's defeat. You go on further to read that the MMA staff will be seeking another legislative vehicle to attach this amendment to. I think sometimes the MMA jumps the gun and sometimes they put out a lot of bologna to blow their own horn to let the communities think that they are doing one whole of a job down here in representing those communities.

If my memory serves me right, the committee amendment was adopted in the House and taken off in the Senate. The bill was not killed, it was just passed between two bodies and if what we have done here this morning on L.D. 1998, unless there is another L.D. 1998 floating around

somewhere, we have passed it to be enacted with no help of the Maine Municipal Association looking for another vehicle to attach it to.

The reason that I am making these remarks is so they will be in the record so that any time anybody from Maine Municipal Association comes to a county meeting and tells how hard they worked to get this amendment on this bill at least it will be part of the record so I can show these people what a lot of bologna they are being fed sometimes by the various advisory or so-called advisory organizations that are being supported in this state with taxpayers' dollars from the towns.

Mr. Lewin of Augusta was granted unanimous consent to address the House.

Mr. LEWIN: Mr. Speaker, Ladies and Gentlemen of the House:

The Speaker raps his gavel to get all of our attention:

To stand, to sit, to adjourn, these things I simply mention.

Some gavels are made of maple, while others may be oaken:

Under the hand of the Speaker, they are so easily broken.

Is it the Aroostook potatoes that brings on all this strength;

Or is it the Augusta air he absorbs at some great length?

Being responsible legislators, we want to save some money:

So we bought a smaller gavel, we think it is a honey.

Our House Clerk is a good one, we cannot see him hurt;

When swinging this gavel, Mr. Speaker, please don't aim it at Mr. Pert.

(Applause).

(Off Record Remarks)

On motion of Mr. LaPointe of Portland, Adjourned until ten o'clock tomorrow morning.