

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, February 24, 1976

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

Prayer by Mr. Wayne Hoover, Baha'i Faith of Gorham.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 713)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Cougars of Katahdin High School Eastern Maine Class C Girls Basketball 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 Clarify Certain Laws Relating to the Funding and Operation of the Superior and Supreme Judicial Courts" (S. P. 712) (L. D. 2243)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Reports of Committees Ought Not to Pass

Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Appropriate Funds to Enable the Bureau of Parks and Recreation to Develop the Kennebec River Greenbelt" (S. P. 638) (L. D. 2013)

Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Appropriating Funds for the Development and Expansion of Family Practice Residency Programs" (S. P. 652) (L. D. 2067)

Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Providing for Total Reimbursement of Municipal Expenditures and Administrative Costs in Furnishing General Relief" (S. P. 655) (L. D. 2081)

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

Leave to Withdraw

Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Provide Funding for the 7th Justice of the Supreme Judicial Court" (Emergency) (S. P. 644) (L. D. 2045)

Came from the Senate with the Report read and accepted.

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

Committee on Business Legislation on Bill "An Act to Conform the Maine

Truth-in-Lending Act to Federal Statutes" (Emergency) (S. P. 647) (L. D. 2048) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Right of Rescission Under the Truth-in-Lending Act" (S. P. 711) (L. D. 2234)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

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

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Revise the Laws Relating to Funding of Public Schools" (Emergency) (H. P. 2020) (L. D. 2196) which was passed to be engrossed as amended by House Amendments "C" (H-880) and "O" (H-920) in the House on February 19, 1976.

Came from the Senate passed to be engrossed as amended by House Amendment "C" (H-880) and House Amendment "O" (H-920) as amended by Senate Amendments "F" (S-407), "G" (S-408), "H" (S-409) thereto; and Senate Amendment "A" (S-404) in non-concurrence.

In the House: On motion of Mr. Rolde of York, tabled pending further consideration and later today assigned.

Messages and Documents

The following Communication: (H. P. 2077)

STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON HEALTH &
INSTITUTIONAL SERVICES
February 23 1976

Legislative Council
107th Legislature
State House
Augusta, Maine 04333
Members of this Council:

Pursuant to H. P. 1724 of the 107th Legislature, an Order directing the Committee on Health and Institutional Services to study mental retardation services in Maine, the Committee has completed an interim report.

This interim report consists of the following bills, which are attached:

1. An Act Providing for Evaluations of Mentally Retarded Persons Residing in Community Residential Facilities
2. An Act Clarifying the Use of the Mental Health Improvement Fund
3. An Act to Exempt Community-Based Mental Retardation Services from the Sales Tax

In addition, the interim report consists of one more bill entitled "An Act Relating to Persons Residing in Community Residential Facilities", which is not attached, this last bill was submitted to the Legislative Research Office on February 20, 1976.

In accordance with H. P. 1724, the Committee plans to submit its final report during the Regular Sessions of 108th Legislature.

Sincerely,

Signed: WALTER HICHENS
Senator
Co-Chairman

Signed: HARLAND GOODWIN
Representative
Co-Chairman

The Communication was read and ordered placed on file and sent up for concurrence.

Study Reports Health and Institutional Services

Mr. Goodwin from the Committee on Health and Institutional Services to which was referred the study relative to Clarifying the Use of the Mental Health Improvement Fund, pursuant to H. P. 1724 of the 107th Legislature, have had the same under consideration, and ask leave to submit its majority findings and to report that the accompanying Bill "An Act Clarifying the Use of the Mental Health Improvement Fund" (H. P. 2068) (L. D. 2238) 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 Health and Institutional Services and sent up for concurrence.

Mr. Goodwin from the Committee on Health and Institutional Services to which was referred the study relative to Providing for Evaluations of Mentally Retarded Persons Residing in Community Residential Facilities, pursuant to H. P. 1724 of the 107th Legislature, have had the same under consideration, and ask leave to submit its majority findings and to report that the accompany bill "An Act Providing for Evaluations of Mentally Retarded Persons Residing in Community Residential Facilities" (H. P. 2069) (L. D. 2239) 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 Health and Institutional Services and sent up for concurrence.

Study Report Taxation

Mr. Goodwin from the Committee on Health and Institutional Services to which was referred the study relative to Exempt Community-Based Retardation Services from the Sales Tax, pursuant to H. P. 1724 of the 107th Legislature, have had the same under consideration, and ask leave to submit its majority findings and to report that the accompanying Bill "An Act to Exempt Community-Based Retardation Services from the Sales Tax" (H. P. 2070) (L. D. 2240) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted. On motion of Mr. Goodwin of South Berwick, the Bill was referred to the Committee on Taxation and sent up for concurrence.

Study Report Energy

Mr. Davies from the Committee on Energy to which was referred the study relative to L. D. 1517 "An Act Adjusting the Maine State Sales and Use Tax on Passenger Motor Vehicles in Accordance with Energy Efficiency," pursuant to H. P. 1728 of the 107th Legislature, have had the same under consideration, and ask leave to submit its minority findings and to report that the accompanying Bill "An Act to Increase the Excise Tax on Motor Vehicles According to Their Consumption of Gasoline" (H. P. 2078) (L. D. 2241) 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 Energy and sent up for concurrence.

Study Report Marine Resources

Mr. Greenlaw from the Committee on Marine Resources to which was referred to the study relative to Allocate Part of Lobster and Crab Fishing License Fees to the Lobster Fund and Boat Fund, pursuant to H. P. 1761 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 Allocate Part of Lobster and Crab Fishing License Fees to the Lobster Fund and Boat Fund" (H. P. 2079) (L. D. 2242) 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 Marine Resources and sent up for concurrence.

Study Report Public Utilities

Mr. Kelleher from the Committee on Public Utilities to which was referred the study relative to Electric Utility Rate Structures, pursuant to H. P. 1723 of the 107th Legislature, have had the same under consideration and ask leave to submit its minority findings and to report that the accompanying Bill "An Act Relating to Electric Utility Rate Structures" (H. P. 2080) (L. D. 2244) 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 Public Utilities and sent up for concurrence.

Orders

Mr. Powell of Wallagrass Plt. presented the following Joint Order and moved its passage: (H. P. 2071)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Fort Kent Community High School Girls Basketball Team Eastern Maine Class A Runnerup Champions

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

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

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

Mr. Powell of Wallagrass Plt. presented the following Joint Order and moved its passage: (H. P. 2072)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Allagash High School Girls Basketball Team Eastern Maine Class D Champions

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

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

Legislature and the people of the State of Maine.

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

Mrs. Berry of Madison presented the following Joint Order and moved its passage: (H. P. 2073)

WHEREAS, many state departments and agencies expend large sums of money every year in order to conduct research projects and surveys; and

WHEREAS, some of these research projects and surveys are useful to the State, while others are of questionable value; and

WHEREAS, recently a department of the State conducted a computer analysis of its records in order to determine the most commonly used infant names, an analysis of little relevance to the conduct of the state's business; and

WHEREAS, this computer analysis illustrates the need for some method of determining whether or not proposed research projects and surveys are worth the taxpayers' dollars which will be spent on them; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Performance Audit shall undertake a study of the methods used by state departments and agencies to ensure that there is a clear need and relevance to the conduct of State Government for any research project, survey or computer analysis authorized by those departments or agencies; and be it further

ORDERED, the Senate concurring, that the committee shall complete this study no later than 90 days prior to the next Regular Session of the Legislature, and shall submit to the Legislative Council within the same time period the report of its study and complete and final copies of any recommended legislation; and be it further

ORDERED, that upon passage of this Order in concurrence, the Clerk of the House shall forward a suitable copy of this Order to the Senate and House chairmen of the committee.

The Order was read.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Last Thursday, the Bangor paper carried a headline "John Takes a Back Seat." Mr. Speaker, we know that is not you, because you never do take a back seat, but it was speaking of your name. Did you know that the name John was not as popular in 1974 as it was in 1971? According to this article, this is so.

It seems that the Maine Department of Human Services, formerly identified as the Health and Welfare Department, has conducted a computer analysis study of birth certificate records to determine the most commonly used infant names, of all things. Let me read you part of this article.

"It used to be John or Mary; now it is Jason or Jennifer. The Maine Department of Human Services has conducted a computer analysis of more than 1,500 birth certificate records to determine the most commonly used infant names. A comparison with 1971 birth certificate records, according to Dale Welch, Director of Research and Statistics for the department, indicates that the most popular names are closely tied to public figures and characters in television or the movies." This seems quite important, I am sure.

"The most popular boys' names in 1974, the most recent year used in the computer study, is Jason. In 1971, Jason was only the 8th most popular. Welch thinks that CBS's most popular television show, the Walton's may have had something to do with this popularity of Jason as an infant name. Welch has no explanation for the popularity of the name Jennifer." I suppose this will take another study.

It goes on to tell those names that were the most popular in 1974 as compared to 1971. This would be funny, Mr. Speaker, if it wasn't so ridiculous. Do you wonder that the people have lost faith in government? With the financial crunch that we are in today, the department or any other department should be counting their pennies, not throwing them away on such trash. If there is time and money available to sponsor such programs, and goodness knows how many more of this type are being studied and researched, we should be taking a good, strong look when we dole out the taxpayers' money. If we are supporting a segment of any department who has nothing more to do than to research this kind of nonsense, we should hide our heads in the sand.

We have stood in awe and criticized such studies carried on at the federal level when they are taking place right in our own front yard.

I have drafted this order to bring such ridiculous studies, as well as others, to the scrutiny of the Performance Audit Committee. This is nothing more than demanding of the departments' accountability of funds which, after all, are the taxpayers' dollars and which we are appropriating. This order will take care of the situation that I have stated and others like it, and I ask your support.

Thereupon, the Order received passage and was sent up for concurrence.

Mr. Usher of Westbrook presented the following Joint Order and moved its passage: (H. P. 2074) (Cosponsor: Mr. Laffin of Westbrook)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Matthew Noyes Chosen by The Westbrook Bicentennial Committee as King of the Westbrook Bicentennial Festival

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

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

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

Mr. Usher of Westbrook, the following Joint Order: (H. P. 2075) (Cosponsor: Mr. Laffin of Westbrook)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Sara Sullivan Chosen by the Westbrook Bicentennial Committee as Queen of the Westbrook Bicentennial Festival

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

Order and direct, while duly assembled

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

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

Mr. Davies of Orono presented the following Joint Order and moved its passage: (H. P. 2076) (Cosponsor: Mr. Wagner of Orono)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Red Riots of Orono High School State Class B Boys Indoor Track 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 Divided Report

Majority Report of the Committee on Public Utilities on Bill "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls" (H. P. 1911) (L. D. 2098) reporting "Ought Not to Pass"

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. CYR of Aroostook
GREELEY of Waldo

— of the Senate.

Mrs. TARR of Bridgton
Messrs. LEONARD of Woolwich
LUNT of Presque Isle
BERRY of Buxton
LITTLEFIELD of Hermon

— of the House.

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

Report was signed by the following members:

Mrs. SAUNDERS of Bethel
Messrs. KELLEHER of Bangor
NADEAU of Sanford
SPENCER of Standish
GRAY of Rockland

— of the House.

Reports were read.

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

Mr. KELLEHER: Mr. Speaker, I move we accept the Minority "Ought to pass" Report.

Mr. Berry of Buxton requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House accept the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Berry of Buxton 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 Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped that maybe the sponsor might enlighten some of you that didn't attend the public hearing on this bill on just what it did.

In lieu of the sponsor remaining silent right now, I will run through a few of the things that were made evident at the public hearing on this bill.

The bill, as you know, would prohibit telephone companies in Maine from charging a fee for directory assistance calls. I guess I have got to admit that that is probably a very appealing thought. I, as some of you know, worked at one time for New England Tel. and Tel., I know a lot of them that do. I don't have any particular warm spot for New England Telephone, because when I left, we parted at sword's points.

This bill is supposed to be a consumer bill and I guess it does sound like one, but I can assure you that it is not, and I will try to give you some figures that might lead you to believe that it is not a consumer bill.

Directory assistance calls in Maine total \$1,700,000 a month, at a cost of \$2 million a year. Some preliminary studies have been done to determine who makes all these calls, as we all know who pays for all these calls. Every ratepayer in Maine pays for this service whether they use it or not.

It was found that 20 percent of the ratepayers in Maine make 80 percent of the directory assistance calls; 40 percent of the ratepayers in Maine make absolutely no directory assistance calls at all. Seventy-four percent of the ratepayers in Maine make five or less directory assistance calls per month, and out of all the calls that are made, 61 percent of all of these calls are actually in the local directory.

Now, Ma Bell contends that this service is being abused, and if you look at the figures, I think you can almost agree with that — 1,700,000 directory assistance calls is a lot of calls. Some of these calls originate from businesses who have several secretaries and the gals at the desk have found that on the average a directory assistance call can be completed in 15 seconds, and they have found that it is a lot quicker and a lot easier to dial a directory assistance operator than it is to thumb through a phone book or locate a phone book, and you and I are paying for this service, as well as all the rest of the consumers in Maine.

What we are trying to do as a legislative body is a job that we have got the PUC to do. We have very capable people, pay them a good sum of money to take care of these things, it is within their province. If New England Telephone ever does — and I understand they are going to initiate charging for directory assistance calls next year — if they ever do this, it will be reviewed by the PUC and the PUC will determine whether or not they should charge for these calls.

It might be interesting to note that telephone companies in 12 other states already charge for directory assistance calls. It is also interesting to note that in the State of Vermont the telephone company was ordered by the PUC to start charging for directory assistance calls. Now, the PUC in Vermont felt that it was unfair for all of the ratepayers within that

telephone system to pay for 20 percent of the usage.

I think the PUC in Maine is very capable, and they certainly have got a lot more information coming before them than you or I will ever have, and they certainly are in a lot better position to judge whether or not it would be in the best interest of the consumer in Maine to pay or not to pay for directory assistance calls.

If a charge was made for directory assistance calls, there would be exclusions for hotels, motels, handicapped people, phone booths and out-of-state calls. In addition to this, every customer would be granted between three and five free directory assistance calls per month. And remember, this includes 74 percent of the customers in Maine.

Mr. Speaker, Ladies and Gentlemen of the House, I hope that you won't accept the minority "ought to pass" report so that we can get on to the business of accepting the majority "ought not to pass" report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I attended the hearing the day that Mr. Laffin presented this bill before the PUC Committee. One of the big four was there representing New England Tel and Tel, and the first question I asked the gentleman was, is in fact New England Tel and Tel going to impress upon the other New England States a cost of assistance calls? He said that at this time he didn't think they were but it was possible in the near future.

The percentages that Mr. Berry was trying to deliver here this morning on 20 percent of the users for directory assistance, accounting for 80 percent of the calls, I just ask all of you to consider yourselves in a month's time on how often you use directory assistance. I hope Mr. Berry, or New England Tel and Tel, for that matter, isn't trying to imply upon this body that it is the same 20 percent of the people using these directory assistance operators each month, because it certainly isn't true. I occasionally call for directory assistance; sometimes I use the book, but I don't believe I abuse that privilege nor do I believe that the subscribers to New England Tel and Tel abuse that privilege.

We are paying what I consider to be a high rate for the use of the telephone, and what are they giving us subscribers? New England Tel and Tel wanted to give us the other day an installation charge from fourteen or fifteen dollars to \$32. And it was discussed at the committee hearing by Mr. Spencer and myself that we thought we would take Mr. Laffin's bill and amend it to bring the installation charges back down to a reasonable fee for installation, and the PUC has since ruled.

I do respect the Public Utilities Commission, and I have grown to respect it even more after being a member of the Public Utilities Committee. But it is not unusual for a legislator like Mr. Laffin or any other legislator in this legislature or previous ones to introduce measures to change the operation and the ability to operate the PUC Commission through our legislative processes. We are not violating any sacred institution over there. The legislature created the Public Utilities Commission in 1915 and has since changed it many, many times. I think that Mr. Laffin should be commended. Perhaps the other New England states will be looking with a watchful eye on the actions of this

body and the other body as far as directory assistance charges are concerned.

I would hope that you would support the minority report, "ought to pass."

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, like Mr. Berry, am a former employee of the New England Telephone Company and I left on very good terms. This bill, if it is not enacted, however, will just be one more way for the New England Telephone Company to pick up some revenue from Maine citizens.

There are many ways, and I found them when I worked for the phone company. During the strike when I was manager of an area in this state, I filled in as an information operator from seven in the morning until eleven at night, seven days a week, and there are many ways to discourage people who misuse information from misusing it, but the telephone company chooses to add a charge rather than try the other methods.

Studies were mentioned here today. I asked the telephone company lobbyist who has worked on me several times to try to get me to help defeat this measure, I discussed with him the studies, he told me about them and I asked how they did them, when they did them, and I got no reply. I might ask all of you here when you called information over the last several months if any operator has asked you where you were calling from or who you were or did any kind of a study for you. I think he is referring to studies that perhaps were done in other states, but if he is referring to those done here in Maine, I would like to see the records and I would like to know how they were done.

I think this is a good bill and I think we should pass it and save the people of the State of Maine one more charge being tacked on by one of our utilities.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: As a minority signer of Mr. Laffin's bill, I wholeheartedly support it. Argument says that Ma Bell would have to bring this so-called case to PUC, and this is true because it is a rate increase and it has to go in front of the PUC. I don't want it to go to the PUC because once it does go there, I would have to fight the high-priced lawyers of Ma Bell and I would therefore probably have to hire a lawyer myself to fight against it in front of the Public Utilities Commission. But I can avoid hiring a lawyer for myself and maybe other constituents of mine by speaking for Mr. Laffin's bill right here on the floor of the House.

New England Tel says they are going to implement the program for those who are handicapped in this. I would like to know how they are going to do it and I am sure there are other ways to save the consumer's money without so-called charging those who abuse directory assistance. I would further say that just because 12 states are doing it now doesn't mean we have to put an extra charge on the ratepayers of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Wagner.

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those people who uses the directory most of the time when I have a call to make and I received a new directory a couple days

ago, as most of you probably did, and I am surprised to see that if the telephone company is really interested in encouraging people to use directories that in the new directories they have consolidated all the towns. So in my case, the Bangor directory includes not only Orono and Corinth and a number of small towns, which you could look in before and maybe in fifteen seconds find the number, now I may have to sift through 20 or 30 areas to find the name I am looking for, whereas most of my calls are made within Orono or a smaller town. I think this is a discouragement from using the phone directory and if the company had really been interested in encouraging the use of the directory, they would have not done this. For this and various other reasons that other people have stated, I will vote to support the minority report.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: I rise on two points. I support this bill by Mr. Laffin of Westbrook, and these are the reasons why I support it.

First of all, I believe the charges that they would want to impose upon us for use of directory assistance are already hidden away in their rate structure. We are paying for it already and Ma Bell wants to take more money out of our pockets. The second point, which has irked me a great deal, I will relate an incident that happened to me. I use the telephone a great deal. My constituency is not only Orono but I think the entire state. There are people who call me, who contact me for a number of reasons and I like to return the calls to them but I need to get their number.

Last year, in March, I requested of New England Telephone Company copies of the phone books for the State of Maine. I told them the reason why, that as a legislator I have reason to call a number of people outside of my telephone directory area and I need these books so I can avoid using directory assistance. They told me, "Certainly, we would be glad to provide you with these books. They will be at your house within six weeks." Well, 6 weeks has become 12 and 24 and 36, and not yet have I seen these books.

If the phone company would provide us with adequate information so we would not need directory assistance, I would say Mr. Laffin's bill should be killed and killed immediately, but their performance has been so atrocious, their response to consumer needs has been so bad that the only way we can deal with them is not through the Public Utilities Commission but right here on the floor of the House. I would urge you to vote in favor of the minority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Immediately prior to the opening of the special session, I was vacationing in Florida and Ma Bell was using the television to put across an advertisement that said exactly 20 percent of the people were abusing the directory assistance 80 percent of the time. Isn't it amazing that the figures that were used in the State of Florida are the same figures that have been found in the study here for the State of Maine. I wonder, really, if they have studied the State of Maine and how many people abuse directory assistance.

I didn't attend the hearing on this

particular bill. I was in the room next door and I only heard one side of the presentation, and that was Mr. Laffin's. I would suggest to the Representative from Westbrook that he might share with the members of the House some of his pro's.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker and Members of the House: I, also, was at a Labor hearing next door to the Public Utility hearing and I didn't feel that I had missed a thing because I heard everything right through the wall. I agree with Mr. Laffin; I agree with the bill. I think it is a good bill. What I disagree with and why I signed the "ought not to pass" report is because I feel this is a function of the PUC, I feel this would be a rate increase and it should go to the PUC. They have the expertise to deal with it. This is a job we gave to the PUC to do, and if we are going to introduce bills on the floor of the House to decide rate increases, then we could just decide all of them right here on the floor of the House. But I do wish you would go along with the "ought not to pass" report and let the PUC do the job that we have given them to do.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am not taking sides on either side of this bill, but I hate to see Ma Bell criticized so badly this morning, because Ma Bell furnishes more retired people in the United States with money to live on than any other business or corporation in the United States.

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

Mr. QUINN: Mr. Speaker and Members of the House: This is a populist issue; it is one in which we can indulge both our emotions and our sense of humor. There is an American pension for needling the big dog or, as we as politicians know, we frequently are the targets ourselves and I suppose in this case the large American corporation is one and we can have a lot of fun with it. But I think that now we have had our fun, we should look at the thing with some degree of logic.

If we are going to legislate, as the gentle lady from Bridgton said, if we are going to legislate a specific public corporation, it is sort of like the free speech clause in our Constitution, where do we stop? We can proceed from the specific to the general very easily. Today we are going to legislate this corporation's policy on information calls; tomorrow we possibly will legislate their policy on installation of phones and eventually we will be legislating the quality of their secretaries, which I would suggest American government has shown is not really a legislative function. It should properly belong to the Public Utilities Commission and if we don't feel they are doing their job properly, then we should restructure them or we should write more restrictive laws about how they will exercise their authority.

To pass this simply because it sounds good, well, we each had an experience or, in my own case, I have a horror story too about the performance of the New England phone company, but that shouldn't be a sufficient reason to pass serious legislation. If it does in fact cost this corporation more to provide this information, then that money is going to have to come from somewhere, and if it doesn't come from a charge for this

particular service, then it is going to come from somewhere else within their structure. To deny that is to blind ourselves to what is an obvious truth. You can only put so much water in a one-pound bag and you can only take so much water out of a one-pound bag. And if this cost is an increase to these people, then in turn we will have to pay for that increase, we users, so the question will become, one, do you wish to pay it in your general, overall telephone expenses, which is where you will if this bill passes or do you wish to have some reasonably designed attempt made to levy the cost against those who use it?

In my own house, I have several phones and several phone books. I also have two teenage daughters who are constitutionally unable to use a telephone book. I find it difficult now to sufficiently discipline those young ladies to insure that they do use the phone book, perhaps if it were costing me a dime or quarter each time, it would give me the steel in my character to make sure that they did the way they should.

I urge you to vote against this bill.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: During the past several years, I have noted very carefully that the American Telephone and New England Telephone Company, its subsidiary, have been able to circumvent certain restrictive laws pertaining to rate increases by figuring out new methods of how to get around these laws. Their high-priced attorneys and actuaries have been able to do this in some instances successfully. I do believe that it is a legislative function to start to prohibit this abuse of the consumer rates, and I sincerely trust that you will give this bill passage. I hope in the future that we will make it a point to look into what the consumer has to pay in rates to public utilities.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I signed the minority report and I would like to observe that Representative Quinn is exactly correct, that one way or another the consumer is going to pay for the information service and the question is simply whether you want those costs to be included in the basic rate or charged on a call by call basis.

My own reason for signing the minority report was that I think that the public is used to the service of being able to call information without a separate charge and I think that most people would prefer to have it continue on that basis. They are going to pay one way or another and it is just a question of whether it is spread over the whole rate base or whether it is charged individually.

There are similar internal subsidies from one year to the other that run through any public utility system. If you live at the end of a road, it costs more to string the phone line to your house than if you live in the middle of the road and yet the rates are the same. My judgment on this was that the people of the state would prefer not to have to worry about an extra charge each time they called information.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I would just like to point out to you that before you push your switch remember that a year from now, a year and one month, New England Telephone will go before the PUC and they will ask that body whether or not they can charge a 10-cent fee for directory assistance calls. I know the way the PUC operates, they will deliberate over that, using all the evidence available, and they will make a decision and I believe it will be a fair decision.

I can tell you this, if you enact this statute today, you have robbed from the PUC the ability to make that decision in either direction. One year from now, if this bill is passed, the PUC will have no option at all. If they in fact prove that it is better for the consumer in Maine to pay for each directory assistance call, you will have tied their hands and they couldn't do their job in that area.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make one point. To my recollection, there was no member of the PUC who appeared before the committee to give any counseling whatsoever.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think this has been an excellent debate and I commend everybody on both sides of the question. I do hope that you listened to the voices of common sense and the reasons that you heard here, the Representative from Gorham, Mr. Quinn. I was particularly interested in Representative Spencer's remarks, because he did come down very honestly and agree with Mr. Quinn and said it is going to be a matter of whether or not you pay directly for the service, that you want to buy the service of directory assistance or whether you want it spread over all the people of the State of Maine.

I would hope, before we vote, that you remember the one point that Representative Berry made early on in his speech when he pointed out that a great many of these will be exempted anyway. Everybody is going to get a free ride for the number of calls that we all say we think we make. I think it is a reasonable bill, reasonable thing for the telephone company to do. It will be reflected in the rates, you are going to pay it anyway, but why not have the people who get the service pay for it. That has always been the way we ought to go and I think we ought to continue and I hope we will defeat the minority report.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, could I please be excused under Rule 19.

The SPEAKER: The gentleman from Hope, Mr. Sproul, is excused pursuant to House Rule 19.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that we have representatives in this House who like to go to Vermont and find out what Vermont is doing because it is good for Maine. That is really something. What do we care what Vermont does? We care what happens to the people of this state, and when certain members will get up and say

that the PUC has done this and they will act fairly, last summer the great giant asked for a \$21 million increase. The PUC said, we will give \$11 million. The Attorney General of this state said you are entitled to \$713,000. That is a long way from \$11 million, and I would believe the Attorney General of this state before I would believe the New England Telephone Company or the PUC.

There are those who say that we are going to pay for this anyway, and probably you are right. That I cannot disagree with. I am glad some of you have three or four telephone books in your home, as Mr. Quinn has stated, I have three telephones in my home and I only have one book, but they probably overlooked me.

I did one thing, I did a little checking and I will tell the members of this House that the public utility commissions of this state, the New England Telephone and Telegraph Company, is a total sham to the consumer of this state.

I called information in the State of New York to find out how their plan was working. At first, they didn't want to tell me too much because they didn't know who they were talking to. They say here in Maine they are going to allow three to five calls. Well, let's go by past performances. The State of New York gives you three and then they have what they call a three credit. If you complain long and hard enough, they will give you three more if you say you didn't make it, but anything over that, you pay for it.

The second thing that she told me was, we do not charge for our handicapped. So I said, how do you arrive at that decision that you don't charge for your handicapped? Who is to say who is exempt and not. She said, well, they have to come to our office and fill out a form. I said, if we have a person in a wheelchair, are you going to send a taxi to bring him to your office to make a form out? And she said, no. I said, what do you do in the case of the poor blind people? She said, well, I don't know, probably we would exempt them — this is probably.

The other questions that I asked were probably not too germane to the bill that we are speaking on today, but she assured me that if I would call the district manager in Syracuse, New York, they would be willing to give me all the information that I wanted. I told the young lady, I said, well, I am from Maine, and she said, you know, you are being charged for this call. I said, well, then I will pay for the call. I asked her what the percentage was on people who abuse it? She said, 80 percent. I said, where did you get that figure? She said, that is a standard figure that we use in the telephone company. They haven't even examined Maine to see how many abusers use it. They haven't said one thing about that. They are not going to start until March; yet, they have got all their figures. They know just what they are going to do. They know all the figures because they are going to sock it to the people of the state, and the people of the state are going to pay, and regardless of whether we defeat my bill here today, they will be back and asking for more money.

I don't have anything personal against the New England Telephone and Telegraph Company, but I do feel that when they continue to take money from the people of this state to pay their stockholders a big salary so that they can enjoy Maine weather in the summer and Florida in the

winter, I feel then that we should put a stop to them.

We can't allow the public relations department of the New England Telephone and Telegraph Company to say they cure all evils, because they don't. The New England Telephone and Telegraph Company has no consideration for the people of this state, they could care less about the people of this state, only the money that they plan to take out of them.

I have a 13-page speech against the telephone company, but on second thought, I don't think I will use it this morning.

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

Mr. QUINN: Mr. Speaker, I recede and concur.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House accept the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bennett, Berry, G. W.; Birt, Blodgett, Boudreau, Busin, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Dudley, Durgin, Dyer, Farley, Faucher, Fenlason, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hobbins, Ingegneri, Jacques, Jensen, Joyce, Kelleher, Kelley, Kennedy, Laffin, LaPointe, LeBlanc, Lewin, Lynch, MacEachern, Martin, A.; Martin, R.; Maxwell, McKernan, McMahon, Mills, Miskavage, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Silverman, Snowe, Spencer, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Bagley, Berry, P. P.; Berube, Bowie, Burns, Byers, Call, Doak, Dow, Farnham, Finemore, Fraser, Gould, Hewes, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kany, Kauffman, Laverty, Leonard, Lewis, Lovell, Lunt, Mackel, MacLeod, McBreairey, Mitchell, Morton, Palmer, Peterson, P.; Pierce, Shute, Smith, Snow, Susi, Torrey, Webber.

ABSENT — Carroll, Curtis, DeVane, Drigotas, Gauthier, Littlefield, Lizotte, Mahany.

EXCUSED — Sprowl.

Yes, 101; No, 41; Absent, 8; Excused, 1.

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

Thereupon, the Bill was read once and assigned for second reading tomorrow.

Consent Calendar

Second Day

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

Bill "An Act to Include Mail Order Merchants and Creditors Under the Maine Consumer Credit Code" (Emergency) (C. "A" H-922) (H. P. 1973) (L. D. 2162)

Bill "An Act Authorizing Central Maine General Hospital School of Nursing to

Confer Associate Degree in Nursing" (C. "A" H-924) (H. P. 1964) (L. D. 2153)

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

Orders of the Day

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

House Divided Report — Report "A" (5) "Ought Not to Pass" Report "B" (5) "Ought to Pass" — 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)

Tabled — February 23 by Mrs. Najarian of Portland

Pending — Motion of Mr. Smith of Dover-Foxcroft to accept Report "B" — "Ought to Pass"

Thereupon, Report B was accepted, the Bill read once and assigned for second reading tomorrow.

Unassigned

An Act Relating to Monthly School Tax Payments by Municipal Treasurers to the Treasurer of State (Emergency Measure) (H. P. 2018) (L. D. 2187)

Tabled — February 13 by Mr. Rolde of York.

Pending — Passage to be Enacted.

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

House Divided Report — Majority (7) "Ought Not to Pass" — Minority (3) "Ought to Pass" — 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)

Tabled — February 23 by Mr. Smith of Dover-Foxcroft

Pending — Acceptance of either Report.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I sponsored this bill for Fair Harbor. At the present time, Commissioner Smith is investigating alternate methods of financing this and he will report back in about 10 days. For this reason, I would appreciate it if somebody would table this unassigned.

Thereupon, on motion of Mr. Rolde of York, tabled unassigned pending acceptance of either Report.

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

An Act Amending the Charter of the Caribou Hospital District (Emergency) (H. P. 2005) (L. D. 2184)

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. 114 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.

An Act to Clarify the Laws Relating to County Budgets (H. P. 1818) (Emergency) (L. D. 1976) (C. "A" H-903)

Was reported by the Committee on

Engrossed Bills as truly and strictly engrossed.

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

Mr. NORRIS: Mr. Speaker, I would pose a question through the Chair to anybody on the Local and County Government Committee to please explain to us what this bill does pertaining to county budgets.

The SPEAKER: The gentleman from Brewer, Mr. Norris, poses a question through the Chair to any member of the Local and County Government Committee who may care to answer.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: We have had, as many of you know, a real problem in York County with our county budget, so I introduced a bill. The problem is, the county commissioners have not paid the various grants that we put into the county budget to the various social service agencies — there were six of them in the county, and we have got a court case pending and that has taken a lot of time and it is a foregone conclusion that they are not going to win it but they are planning to appeal it, so what we have done, we have drawn up an amendment to my original bill which deals only with York County. The county commissioners are directed to expend the funds that will be appropriated in the county budget for the various agencies and that these would be paid now for last year. They haven't even paid last year's allocations and the remaining of the year would be quarterly payments. It deals only with York County and just to solve our problem that we have down there with the commissioners.

Also, this is an amendment to the original resolve of the county budget. In other words, it is just going to go onto the present biennium county budget. It won't affect any future county budgets; it won't affect any laws that are presently on the books now.

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

Mr. DOAK: Mr. Speaker and Members of the House: This seems to be a rather parochial problem in York County, as I see it. I have heard of no other counties speaking in favor of doing this to their commissioners. I feel that there is a court case and the decision is pending, and I would feel that we would be more or less circumventing the courts by passing this legislation. Therefore, I would move for the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Rangeley, Mr. Doak, moves that this bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker and Members of the House: I will give you a little background on this particular piece of legislation. If Mr. Goodwin hasn't mentioned, I will, the courts have already ordered the county commissioners to pay these different social service agencies. They haven't done that. They have appealed it. I don't think there is any doubt, the legislature is supreme here and they did authorize a bill, signed by the Speaker of the House, the President of the Senate and the Governor of Maine. Now, all we are asking for is for you people to give permission to release this money through a piece of legislation to those

social service agencies that we funded through the county budget, that you people all supported, so they can go on with the business that they are supposed to do.

I would urge you to support the bill.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support this bill. True, we do have a rather unique situation in York County. The York County delegation has been ignored by our county commissioners. They would not come and attend our budget hearings and they have taken the arbitrary stand that they can delete items from the budget which we passed.

I would like to say another thing. I think the York County delegation has gone along pretty good with other county delegations here in supporting bills, and I do not like the remarks made by the gentleman from Rangeley, I think they do not pertain to the bill, and I hope you will vote against indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman from Rangeley, the reason you haven't experienced the problem is that you don't have the situation that we do in York County, and believe me, you don't want to have it.

During the regular session when we passed the county budget, we included in the York County budget funds for the following social service programs: Camp Waban, York County Regional Planning Commission, York County Counseling Service, Dental Clinic, York County Extension, the Saco Valley Association for Retarded Children. These agencies perform a public service in York County. They do not have any state counterpart.

You heard me mention on Friday a poll that I took in my district. One of the ten questions that I asked of my constituents was whether they supported the action of York County delegation and including funds for these agencies in the York County Budget. The response was the highest of all ten questions — 175 said yes and 47 said no. That is the only way I have of gauging how my constituents feel about it.

However, the gentleman from Biddeford has told you that the issue really has been settled. The judge has ordered the commissioners to comply with our action and we are not attempting to circumvent the court proceedings. In fact, we are attempting to insist that the commissioners carry out the will of the legislature when it voted to pass the county budget.

This does not apply to any other county except York County. It is a one-time proposition, and I urge you to pass this bill.

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

Mr. DOAK: Mr. Speaker and Members of the House: I would like to thank all the members from the York County delegation for their explanation and for their arguments in favor of this bill, and I, like Mr. Quinn, recede and concur and I withdraw my motion.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this 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.

129 having voted in the affirmative and none in the negative, the Bill was passed to be enacted as an emergency measure, signed by the Speaker and sent to the Senate.

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

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

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker, I would like to have somebody explain this bill and tell me just what it does.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This is not my bill. I looked around and I didn't see anybody up; however, I did have a bill in the regular session which dealt with this particular problem and in that bill, there were two requirements; one, that the transfers have a report of the consideration and a report of the value. It has been determined through operating the law for a few months that the requirement for reporting value was quite a bit of a problem and was not being done. There are some examples of situations that have occurred which have actually been counterproductive. So, basically, with the committee amendment that is on this bill, the consideration remains in it, as it should, but the words value do not remain in it and it is not necessary to declare value on these real estate transactions. Basically, that is the difference. There is another little clarifying bit in connection with transfers which do not even involve a consideration.

I assure you, I would not stand up here and support this if it were weakening the measure we passed at the regular session, because that was, in my estimation, an excellent measure.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: The Judiciary Committee heard this bill, and as the good gentleman was speaking, I was madly dashing around trying to put some thoughts together and I apologize for not being up more quickly.

The Statement of Fact on the original bill explains the original bill quite well. It says, in searching title to real property, it is quite common to discover some old technical defect in legal title or in the description to the premises, which must be eliminated by obtaining a directive or confirming release deed from some potential claimant for a prior owner. Acquiring such a deed can, on occasion, be a time consuming, difficult, relatively expensive matter for the small property owner. By adding the new requirement, filing with the deed a declaration of value signed by the parties to the conveyance, and that is what we did the last time, the legislature has increased the risk that the landowner will not be able to obtain such a release deed both expeditiously and economically. It is highly desirable to

remove this potential obstacle to the marketability of title to real property by adopting the new language, and that language is "or deeds which without additional consideration confirm, correct, modify or supplement a deed previously recorded."

The other change that the committee made and the reason for the committee amendment was striking the words "and the value of." This was done after conferring with the Bureau of Property Taxation. They indicated that it was not necessary to have that requirement remain in the law for their purposes.

I hope this explanation is satisfactory.

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

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 Engrossed Bills as truly and strictly engrossed.

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

Mrs. MORIN: Mr. Speaker, could I ask what type of grants and what they would be used for?

The SPEAKER: The gentlewoman from Old Orchard Beach, Mrs. Morin, has posed a question through the Chair to anyone who may care to answer.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The reason for this bill came about because the Legislative Council was interested in accepting a grant from the Ford Foundation. This would have been for a commission to study our evaluation laws. The Ford Foundation showed a great deal of interest in financing such a study, but then we discovered that the legislature actually has no capability in the statutes to receive funds, either federal funds or funds from a private agency, and this bill would just give us that right to accept those funds.

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

Mrs. BERRY: Mr. Speaker, I would like to inquire if this also gives the council permission to find money for matching funds?

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

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

Mr. FARNHAM: Mr. Speaker, it is my understanding that it does not. We had the bill in State Government and it seems as though there is an opportunity to get a Ford Grant, make the study that the gentleman from York spoke about, so it came out of the committee with unanimous "ought to pass" report.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

109 having voted in the affirmative and 9 having voted in the negative, the Bill was passed to be enacted as an emergency measure, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mrs. Goodwin of Bath,
Recessed until the sound of the gong.

After Recess
12:15 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Laws Relating to Funding of Public Schools" (H. P. 2020) (L. D. 2196) (H. "C" H-880) (H. "O" H-920 as amended by S. "F" S-407, S. "G" S-408, S. "H" S-409, thereto) (S. "A" S-404) which was tabled earlier in the day and later today assigned, pending further consideration.

Mr. Rolde of York moved that the House recede and concur and requested a roll call.

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

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to commend the other body for sending this document over to us in the fashion that it has. However, I, like many members of this House, have some reservations, not on the adjustments or the change in the tax structure, but at the wisdom of this body to enact this bill here this morning considering the fact that there are other issues that we should be considering such as the University of Maine, the state employees, supplemental budget, which all demand and consider money to be acted through this legislature in being passed.

I spoke to a group of state employees Sunday afternoon, along with a number of my fellow members of both parties in Bangor, and I indicated to them and I also indicated to the sponsor from Bangor of what I consider a fine proposal as far as tax considerations is concerned, Mr. Ingegneri, the supporter of a revision of the income tax bill or the income tax laws as we now have today, but I indicated to those people that were there as state employees that I would not vote for an increase in the income tax or, for that matter, any other tax directed solely at them to support their problems, nor will I vote to support this issue this morning on the education funding problem that we have.

There are a number of fine bills that are now before the Appropriations Committee and I did not think that the other body would be capable enough to use the wisdom to change the tax laws of the state and they have done that so by the amendments we have before us this morning. But to reach the conclusion that this House and the possibility of what may happen over in the other body in passing two major tax measures here, because we will have to consider another one to take care of a variety of our own problems, is just a little bit too much for me to accept.

This is not my first term down here nor is it most of yours. I think the legislature should be commended, this body should be commended for having the ability to pass a revision of the income tax but to do it

without considering all the other problems that we have in this state, I don't think we are using the wisdom that we should be. For these reasons, I am not going to support this issue of a major tax transition only to cope with one problem.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Just a few moments ago in the joint caucus, I addressed this same issue and I am going to do it again now on the record.

I disagree with the analysis of the gentleman from Bangor, Mr. Kelleher. It seems to me that if the members of this House are going to have an individualized kind of vote on each of the great policy issues relating to appropriations that are before us and before this legislature and yet to be dealt with, this is the only way that we can go. I don't believe that most of the members of this legislature want to have a huge package brought before them, some of the things which each individual member might support and others they might not support and be given an ultimatum that they must support all of them.

Now, if you want to perform your function as individual legislators and vote on each one of these measures as they come along, then I think this is the route that you must take. I feel, as Mr. Kelleher does, that there are many needs that are left unaddressed in this state at this time, but this legislature isn't over with yet and this afternoon I plan to publicly state my concern on some of those issues at a pay raise hearing for state employees over at the Armory.

We have a lot of tough decisions to make, but I don't think this is the time that we want to get hung up on a tactical argument such as Mr. Kelleher has presented here to you today. I think the leadership has chosen a proper vehicle, I think they have chosen a proper tactic and a proper method and I think you all ought to support it.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: I just spoke to Senator Merrill about the \$215,000 that would be the cost of administrating this and he can't see why it should be that much either but he figures that perhaps the Appropriations Committee will take care of it later.

I would like to say that as this bill now stands, with that exception, I can go along with it with a second exception. On Page 15 of the bill, Section 3750, it states that no construction project shall be approved by the State Board of Education prior to July 1, 1977, except the State Board of Education may approve school construction projects which it deems to be of an emergency nature.

As far as Old Orchard is concerned, we do consider the project we began in 1974 an emergency. The parents are up in arms concerning two buildings in which their children are housed. One has been condemned in the past and repaired to keep it operational but there is just so much you can do in repairing an old building. Therefore, unless I can get assurances that the money being held up for construction purposes will be released, I still cannot vote for the bill.

I am told there is a bill coming up that

could take care of this, but these things are never certain.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: Being interested in finances as I have been over the years and having worked for the state in the Finance Office, I journeyed down a few minutes ago to find out if we have some kind of verification about these revenue estimates of \$18 million under this income tax proposal. I am told by Mr. Garside that there is no firm estimate yet but the Taxation Department is working presently on an estimate to tell what this tax will bring in. They used some old figures that they had back several months ago but there are some differences here and there won't be a figure available until later on, so I can't vote for this until I find out if we are just pushing something through rapidly, as we did educational subsidy bill in the last session that has been so underfunded all the way through and this is going to be exactly the same thing, so until I find out, I prefer not to vote on this issue.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: In view of my comments the other day, I want today to speak only on this subject and on this bill.

I wish to say for the record that the bill in its present form is quite an improvement over the bill in its original form. Philosophically, I have no problem with the thrust of this amendment, although I still believe that per capita income in this state is quite low and that dimensionally the burden will be paid equally by the low income as well as by those in the higher bracket.

I wish to state the following reservations, however, for the record: (1) I question whether the proposed tax schedule will raise the needed revenue; (2) I question whether the local units won't end up spending more anyway, knowing that the major shift has been made to another tax; (3) I question whether it is wise to lose the visibility of our tax dollar, which will happen with the primary reliance on the income tax for funding education; (4) I question whether it is wise to lose the additional revenue out-of-state property tax owners who will not pay the income tax in many cases; (5) and finally, if I voted for this measure, I could not in good conscience vote against funding other needed programs.

The mood of my constituents, as they have told me, is to hold the line and for that reason, I must vote against this measure as well as other spending measures that will require a broadbased income tax or sales tax increase.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: One of the nice things about living close to Augusta is that I get home every night and that places me in a very advantageous position at a time when legislation changes from day to day. I can actually get back there and do a heck of a lot more work than you might normally be able to do down here away from your own figures back home.

I speak to you today from my prepared remarks, because the figures get

confusing enough and the only way I can keep them straight in my own mind is to trust them to paper.

Last night, I took out my 1974 income tax returns to find out, for instance, what my taxable income was. I dug out the tax bill on my house to make sure that I operated from the valuation of my property when we were discussing the property tax rates. I also dug out, as a municipal official, my copy of the 1975 school budget. I tried to project myself in the position of having my 1974 taxable income at this time, the 1975 school budget that we operated under last year as the 1976 budget and the valuation on my property as it is currently with my 1975 taxes, and I needed all of these figures to calculate my way through the Governor's proposal as Mrs. Lewis from Auburn presented, L.D. 1452, if we don't do anything at all and if we don't do anything at all, we are going to be having a tax increase, I think that is clear to every one of you here, the bill is before us now with Mrs. Najarian's amendment which had the surtax and then this bill that finally came back to us from the Senate.

Now, as you may be aware, I had voted against the engrossment of this particular bill, I had supported the Governor's bill. The computations that I made included this particular amendment and did not include, for instance, the Najarian amendment, which had the 10 months of cigarette tax which, by itself, would cost a pack-a-day smoker \$15.25 a year.

In 1974, I made \$12,000 and had a taxable income of \$4134.71 and my house is valued at \$15,000. That places me, I would assume, in a moderate income category with an average priced house and it may very well fit most of you here. Now, the Lewis bill turned out to be on the surface the most expensive to me, even at that low level of funding. While the uniform property tax rate on the surface increased over the 1975 level by only a mill and a quarter, the reduced level of leeway, the half year, the 90-10 matches actually created for us in the City of Waterville in our expenditures for vocational education and special education and transportation a 2.1 mill increase on the property tax and that would have cost me, with my \$15,000 house, \$31.35 on my property tax.

The next most expensive bill was the one with House Amendment "O" without Senate Amendment "F". That had the 13 mill tax rate and it looked good; it was a lowering of the tax rate by a quarter mill from the current rate, but the 90-10 matches actually ended up going beyond the quarter mill that we were saving, so that my property taxes would have increased by \$8.70. I said I discounted the \$15 for cigarettes, but the 26 percent surcharge increased my income tax at the state level by \$16.30, so that bill was costing me \$25.

Interestingly enough, the present law, L. D. 1452, with this mill and a half increase, cost me less than the two I had previously mentioned. My increase on the property taxes would have been \$22.50, but there is, of course, the real fear, and as a municipal officer we have just suffered through that real fear in November and December of the immediate past year, there is that real fear that I would have to pay more in the long run for property taxes because of the prorations that come out of the Department of Education and the Administrative offices, the executive offices.

Now, that local deficit, obviously, would have had to have been made up by the

property tax, so in effect, the current law would have probably been much more costly than the Lewis bill or even the Najarian amendment with the surtax.

Then, I took this particular bill with Senate Amendment "F" to House Amendment "O" and did my work there, 13 mills on the property tax rate, the 90-10 matches, the reduced leeway. That still costs me \$8.70 on my property tax, but the graduated income tax was the thing that gave me the break. Remember, I originally had \$12,000 of income. Senator Merrill and I discussed this this morning and he says I am figuring it all wrong, that I could save another \$10 on my taxes but I use the short form. I have six children and those six children allow me to use the short form quite conveniently.

The increase in the income tax costs me \$2.70 so that the total costs of this bill in its present state cost me \$11.40. So in reviewing the entire matter, the Lewis bill would have cost me, as a \$15,000 homeowner with \$12,000 income, \$31.35; the Najarian amendment would have cost me \$25; the present law, L. D. 1452, would cost me \$22.50 and the bill as we currently have it now would cost me \$11.40.

The Lewis bill was all property; the Najarian amendment was one third property, two thirds income tax; L. D. 1452 was all property and this bill hits me with three quarter property and one quarter income tax. This bill puts us on the road to a tax reform which, obviously, must have the top priority during the 108th.

As a municipal official, I share the concern of Mr. McMahon of Kennebunk when he says that means that municipal officials now are off the hook so therefore they don't have to worry about keeping an eye on the tax structure and the expenditures at the local level. I would point out to him that the inflation rate, the deterioration of bond market because of the vast misuse of bonds by the much bigger cities throughout the country have put us all on our toes. Actually, none of us are getting lulled to sleep at the municipal level by this bill or any bill that passes or even L. D. 1452 that might not pass. We actually still try to get the dollar value for the dollar spent.

I am not happy with this bill because the state has mandated programs and yet they won't fund them to the tune of 100 percent, but if we fully fund the 90 percent that we are going to be receiving from the state, we are not going to be in so much trouble as we would be by banking on 100 percent funding by L. D. 1452 and getting prorated back to the level of 85 percent.

As municipalities, we are restricted in the tax base that we have, we are restricted to that single tax base, the property tax. The state has a much more diversified base and it should not continually infringe upon and erode the one source that we do have at the municipal level. To do so, stifles the local effort to provide the quality of services that we do try to provide at the local level. This bill recognizes that fact and that is why I can support its passage.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: The bill before us today represents the culmination of months of work by a great many people. It merely goes to prove once again that if you work long enough and hard enough and there is a willingness to reach an agreement, legislators working together

can overcome obstacles, that earlier seemed insurmountable.

The original compromise amendment lifted us out of a stalemate and that compromise put one bill before this House that could attract a majority. The Senate Amendment will give this bill, I hope, the boost it needs for final enactment. I congratulate and thank all the House members who worked for that and thank the Senators who were willing to make that one last extra concession which made this bill far more palatable to many of us here.

This Legislature has continued in the direction set by the 106th when L. D. 1994 was originally enacted. One of its primary goals was to relieve the burden of education on the property tax. That was accomplished for 926 municipalities in this state. This Legislature has moved yet another step from the property tax for the funding of education and we will be doing that, not just through the income tax, but through an income tax structure made more progressive than it was, and I think that is a major accomplishment.

One thing I am fairly certain of, this bill is deficit proof at the state level. I only hope we haven't gone overboard in trying to accommodate educational funding with our tight financial situation. I would be most sorry to see our efforts to lower the property tax undone by tightening up too many areas at once. \$10 million less than the commissioner's certified costs \$90. For leeway instead of \$125, 10-90 for Vocational Ed, Special Ed and Transportation. All of these measures combined could force property tax increases at the local level, but I guess now all we can do is wait and see on that.

Once again, we have come a long way since the 19th of January. Everyone has given a little here and a little there and what we have is probably not the best bill nor the worst, but the main principles of L. D. 1994 are still intact, save one, and given the times we are living in, I think we have done pretty well.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, first, I think I can help answer the question of the gentlewoman from Old Orchard Beach, Mrs. Morin, as to the cost of implementing this program. As many of you are aware, I have an income tax bill in. I did a great deal of work with the taxation people during the fall and the primary or the big cost to them is that they have to reprogram the computers.

In the bill I had, I made no basic change in the law, I closed up brackets and I increased percentages so they could do that, they felt, for \$126,000. Now, in programming the so-called Merrill amendment or the Merrill tax bill, they have got to program into that the low income provision that he has in his law, which compares with the federal law and that adds a further complication making an additional cost. But that is a one time cost, if we leave the law alone, they don't have to do that every year, they only have to do it when the law is changed.

The gentleman from South Portland, Mr. Hinds, raised a question as to the validity of the estimates and, of course, I am not in a position to say they are perfect, but I can say, from the work that I did with them, and I have a chart from them which shows how many people in each taxable bracket, like the \$1,000 bracket, how much earnings there were in that bracket, how

much in the \$2,000, \$3,000, etc., and the figures arrived at in the bill I had, I know, were very accurate and there isn't that much difference between the bill that we have before us and the bill that I had, so I have every reason to believe that they are very accurate. I would make this hedge, I think they may yield more than this bill says, slightly more.

I had to base most of my work on the 1974 figures because 1975 was not readily available, it may be now. If they could use 1975 figures, certainly they would be more accurate.

I would also say that I am not in disagreement with the gentleman from Bangor, Mr. Kelleher, in many respects. I would have preferred that we had a separate tax bill. This is why I worked on it myself all last fall. I thought we were going to need 30 to 35 million dollars. I would rather have seen a bill go that way and have allocated in it so much to cover our education problem, so much to cover the University of Maine, and my figure for the University of Maine was \$4 million, not the \$6.4 they were after. I had a figure for the state employees pay raise. In fact, the bill is being heard today and the tax bill I had, I thought, would cover all those subjects.

However, I am not going to vote against this bill and I think most of you know, probably on 90 percent of the vetoes last year I stood by Governor Longley and I will probably stand behind the rest of this session on almost anything else, but this is a problem that has got to be solved. I hate to do it in a piecemeal way but I do urge you to get this problem behind us and face the rest of them as they come up.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, I have a tax bill which I hope will get a full and impartial hearing.

With regards to this amendment, this amendment follows almost completely the line which I have recommended in my tax bill. It stops at the maximum rate of 10 percent whereas my bill goes up through 11 and 12 percent and there is one minor change in one bracket, I have perhaps one or two more brackets and one five percent bracket on taxable income, is deleted.

Mr. Farnham stated that there was a greater cost to Senator Merrill's amendment because of the adoption of the federal more liberal allowances and this cost amounted to something like \$100,000. Well, the merits of this bill, this amendment, are that it attempts, very sincerely, to raise revenue at the same time as making the tax collection more equitable. I submit that \$100,000 of administrative costs is not a great amount if it results in a greater deal of equity. After all, the prime consideration always should be what is right and not being niggardly about a few dollars.

I am very grateful to my good friend, Ed Kelleher, from Bangor, I know how he feels, he feels that I made a sincere effort to address myself to many problems. I worked on a tax bill, and it is a tax bill which shifts the burden to quite an extent from those least able to pay to those who are better able to pay in a progressive fashion. However, I am optimistic that the ballgame shall not stop here because the extension of this Merrill amendment to something which would address itself to more problems is a very easy matter. We can go to 11 percent and 12 percent without

affecting the greatest majority of the taxpayers. The two highest brackets, although they are comprised of a relatively small number of taxpayers, do yield either under the old or the new, a great deal of revenue and we can, and I hope we shall, address the greater problem of a general revision and reform on a permanent basis but I have no problems with this amendment. As a matter of fact, I think Senator Merrill would be the first one to admit that I helped him on it because, over the past year, since last September, I had various versions of a tax bill which would fit whatever were the needs, if the revenue expectations were higher then it would not, be necessary to go to a higher figure. The best part of a progressive income tax law is that it gives you a frame work for the future within which you can plan tentatively, you can easily contract your rates, you can easily contract your brackets without going through a great deal of trouble and I would like to see the day come when the Governor would have a little bit of a corner in his parameters of his rectangle with respect to revenue that would give him an opportunity to breathe a little bit more easily and a greater opportunity to go about cost saving in a calm manner, not to cut the cloth to fit the suit, you know to have enough cloth to more than fit the size of the suit, and I think this is a first step and I assure the people who have been very, very kind in their remarks about my bill, that I intend to present my bill in the most forceful, vigorous manner that I am capable of and I can do this because I have received many indications that there is a ground swell in this state for a genuine revision and a reform of the income tax laws and, so I urge you, whoever has any regards or slight high opinions of my opinions, I urge you to vote in favor of this amendment, I think an ice jam has been broken. It has been broken by reasonable people, getting together, giving a little bit for a greater good and I had always hoped that when ever it came down to that position that I would be above my egocentric feelings and go along with the compromise that would be for the greater good and I hope that that is my position today.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I want to say, at the very outset, that I intend to vote for this compromise, but before I do it, I feel that I must express a few frustrations, which I am sure that many members on both sides of this aisle feel at this very moment in time.

I cannot, in good conscience, vote for it until I say these things and perhaps relieve myself of some very great problems that I have internally right now, some gut feelings, which really, really bother me, so I am saying, that I am going to vote for it and when I finish this speech, I will end on a more positive note.

Let me say this to you, first of all, I have some concerns, as does the gentleman from Kennebunkport. I want to recite those concerns to you because I think these are the things we are going to have to keep in mind as we debate this issue and other issues we are going to have before us in this session. First of all, several weeks have been spent on the Education Funding Act. Great amounts of hours have been spent by an education finance group which has done a tremendous job, and out of all

this, there was hammered out a compromise, which compromise was acceptable to a great number of people, even those who opposed it, realized that it was better than what we have at the present time and so they were willing to give it their support, that was a compromise. This compromise represents the compromise on a compromise on a compromise. I am compromised so much this morning that I don't know what to do or which way to turn. However, I must say to you, that the net results of passage of this act will, I am sure in my own feelings, be an improvement in the education funding in the State of Maine.

Let me express some of my concerns — I went home last Friday, firmly convinced that we had a tax package before us, which included, for example, a five cent tax on a package of cigarettes. I spent the entire weekend telling people, leaders in the community, exactly what we were doing and yesterday morning, at eleven o'clock, I learned of a totally new package, and three hours later was passed to be engrossed, and this morning it is here before us. I call it hasty and I really believe it is hasty and it is one of the concerns that I have as I vote this morning. I am not afraid of the five cent tax on cigarettes. As a matter of fact, I think it would be a darn good thing for us all and I am hooked, the higher it gets, I think perhaps, sooner or later, I may get smart enough to drop off the filthy habit so the tax on cigarettes didn't worry me half as much as transferring five more million dollars onto the income tax, which eventually, is going to hit the middle income group in Maine and I don't care what schedule tells you differently — the middle income group now, as always, bears the burden on taxation. It sort of reminds me of the story of the man who went to his boss and he said, Boss, will you please give me a cut in pay and he said, Jones, I can't do that to you, I gave you a cut six months ago but Jones said, I need this one, just give me one more cut and I will be happy. Why do you want it this time, Jones? He said, because if I could just get one more cut, I will be able to live in that new apartment building on top of the hill where they have the tennis courts and the heated pool. My child will probably be able to go to college on a grant, on a scholarship and my children will probably get their teeth fixed for nothing. I am paying all of these on my own now but if I could just reduce myself slightly, I can get some benefits out of all the programs of government today, so I am concerned, this morning, that regardless of what all printouts may say, that we are still placing it right there on the guy who tries very hard to build himself a new home to keep it nice, to keep it clean, to educate his children, to do all the things that need to be done and every time we get a chance, we sock it to him, that bothers me slightly.

I am also concerned that in this package, the non-resident taxpayer, is really getting a break. I think true tax reform, as was enunciated in the Governor's Commission on Tax Policies should have some concern for say a credit on income tax, property tax on your income tax. I think the hasty consideration of these things such as we are doing right now may be detrimental to true tax reform in the future.

My final concern, I guess, is that the other compromise which we agreed upon had a self-destructing tax, this one does not have. I believe that perhaps we should be made to address this situation again in

the 108th Legislature to make sure that we are headed in the direction of true tax reform. I don't believe it comes in overnight stands, such as we are having right here today. I am also concerned, I was a little bit concerned, but now I am more so, after Mr. Ingegneri's speech, that this is just the opening and that we may very well see the 11 and the 12 go on before we leave this session. I want to say right now, if it does, it goes on over my dead body because I don't believe that is responsible and I think we are opening the door to a lot of new problems right now. We have problems, other problems, and people have to find resolutions to them and I will stay here as long as I have to to help resolve those problems but I am concerned that we may find a too simple solution.

Having said all of this, which really makes me feel better now, that I am sure a lot of people in this House feel the same way I do on many of the issues that I have spoken to, I am going to say to you that I am going to vote for the compromise bill even if I have to hold my nose, rather slightly. I am voting for it because I believe it is the only solution we have right now to our education funding problem. To leave the bill or to kill the bill and to go along with the open endedness of 1452 would be totally irresponsible, it would be rejecting the best advice that we have from many many people who have spent hours and weeks on this problem because many times in life, you have to make compromises, you have to give a little and take a little but there are so many good things in the compromise bill, as far as the education bill is concerned, that I must, this morning, go along with it. I feel that if we, as a legislature, leave here without having done something about it, we will be subject to an even greater criticism, that we can't come here for five or six weeks and resolve a problem so I know that I speak for many when I say that I am very much concerned, I have grave misgivings about many things we are doing but I feel that, at this moment in time, we must pass this bill and get the education funding behind us and go on to the other problems which certainly are going to weigh very heavily on us too.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: Once it was said to me that the problem is not the decision one makes but rather the decision making process one goes through. At this time, I have decided to support the compromise as amended by Senate Amendment "F", "G", "H" and "A" and I urge all of you to support it as well. Last week, we heard about compromise, described in glowing terms when we had House Amendment "O" before us. It was billed as a panacea and solution to the neverending educational funding problem. I rejected that compromise. I accept this one.

The initial purpose in our coming to this special session on January 19th was to deal with the education funding act. This bill, as amended, resolved the legislatures funding dilemma. This session has been characterized with words of frustration, allegations, decisions stifled by the lingering shadows of Governor Longley and implied threats of political retaliation. This is truly and most unfortunate and does not aid in good decision making or in good decisions. This compromise will not be and is certainly not in my own mind

another chapter in "Profiles of Courage" but rather it represents an attempt to solve a serious dilemma.

Someone said to me yesterday, that this bill is a breakthrough and will create a freight train effect. However, I think the opposite is quite the case, the train is only about to leave the depot so, therefore today, the word must go forth to all the people in this state that the problems of Maine are not simply educational funding but they also exist in other program areas which are terribly complex and difficult, particularly in these troubled, economic times.

I hope, today, that we can get through this immediate dilemma and log jam and turn our shoulders to these other concerns, be they the funding of our underfunded institutions, our human service programs, our income maintenance programs of the University of Maine and, finally, to do so, without any real or perceived threat from any quarter.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think quite a bit has been covered in the thoughts that I have in my mind, particularly the expressions have been made by the gentleman from Kennebunkport, Mr. McMahon. I think there is one other question that I have that is bothering me a great deal — I wonder if anybody has done any calculating or figuring as to just what the percentage spread of what is being paid from the state level and what is being paid from the local level now on the cost of education funding?

It appears to me that we presently, in moving down to the 13 mills, we have moved down to and moved into an area where about 55 percent of the cost of education is coming from the state level and probably 45 from the local level. That figure may be off a little bit but I think probably it is relatively close. I think some of the best thinkers on funding of education that I know in the country feel very strongly about moving too far off the 50 percent level. I have mentioned at least once here that Dr. Coniff and his whole study of educational funding indicated that we should not cross over that 50 percent line. I think this is the other actual area that we should give serious thought to today before we pass this bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to state my position on the bill. I would not support this. I did have a little wavering at first but standing up back and listening to some of the speakers, I finally made up my mind that I will not go along with this bill, because I think you have all heard what the door is going to be open, there will be increases after increases coming in income tax and we are going to sock right back to the middle class people.

It may be true that many people have worked long and hard on the education bill and there have been a lot of compromises made but I would like to say this that there had been, as far as I am concerned, no threats made from the second floor of retaliation against anyone, I think the Governor has stated his position and he stated it quite clearly and if you take this as a threat of retaliation, then that is your interpretation but I think something that is happening now is happening in the State of Maine that has not happened for many

years. We have a businessman sitting down on the second floor. We have a very successful businessman sitting on the second floor —

The SPEAKER: The Chair hates to disrupt the gentleman, but would he restrict his remarks to the pending motion, which is to recede and concur.

Mr. DAM: What has been advocated in one of the previous offers does not necessitate an income tax increase. It puts education on a business-like basis and it says to the people of the State of Maine that there will be no income tax increase. The State of Maine will not head down the path of destruction like the other states are headed and go into bankruptcy. Passing an increase in the income tax today is only one area which I consider being very fiscally irresponsible when it comes to being legislators.

I think the previous program that was offered in the level of funding would take care of the problems in this state and money could be found to pick up that area of the deficit that was not taken care of. I placed complete faith and trust in the Lewis bill, and I think that was the only bill that we had that the vast majority of the people of the State of Maine wanted, and they don't want this increase and they don't want this door opened that we are opening today.

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

Mr. LYNCH: Mr. Speaker and Members of the House: Before us today, we have two items to be considered. We have been talking essentially about the funding of education, but I think of equally prime importance is the committee's revision bill which tightens up the existing law. That has to be done; that cannot be left to the 108th to go through the same difficulties we are going through today.

The gentleman from Skowhegan said he would like to go with the Lewis-Governor's proposal. At a \$260 million funding level, it requires \$11½ million in additional property taxes. It does not fund leeway, private school transportation, geographical isolation or unusual enrollments of over \$11 million, so you are talking about an increase in state uniform property tax of \$11½ million, plus another \$13 million to be placed on the towns' property taxes to support their funding of education. Granted, they will have a local option to fund it or not. They either continue their school programs and fund it or they cut their school programs.

The choice is going to be relatively simple. We have 151 members in the House and I don't believe there is one of us who cannot find a reason to object to this bill, and we cannot satisfy 151 members with any bill. This is a reasonable compromise. It is the best that we could do, and the alternative of doing nothing is worse for the people of the State of Maine.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I want to say at the outset that I intend to support this compromise today. The reason that I stand is because this is an issue that I have given a great deal of thought to. I was one of the members of the Portland delegation who, in the last session of the legislature, in the 106th, voted against the original education funding law. Perhaps in view of the circumstances, that vote may, to some people, look a little bit ridiculous, because

the City of Portland did very well as far as the revenue from the original L. D. 1994 was concerned. But I want to share with you the reason that I voted against that bill, and it goes along the lines with some of the remarks made by the gentleman from Kennebunk, Mr. McMahon.

I am very concerned, and one of the reasons I wanted to be on the Taxation Committee would be inequities of the uniform property tax, of property taxation in general. I felt that the original education funding law did not really deal with this issue, what in effect was going to happen was that local communities were just going to go hog wild in spending and once more the property owner was going to be left in left field.

Why did I change my mind? Why have I done this? Why did I support L. D. 1452 and why am I supporting this compromise? I think we are living right now in a little bit different world than we did perhaps two or three years ago in the 106th Legislature. Some lessons have been learned all over the country. We have seen what happened to New York City, for instance, and I think that relates very much to the problems we are having. I think what is going to happen, most governments at the local level are going to be more responsible. I don't feel now that you are going to have a situation where communities are going to go hog wild, because I think the people of Maine have made the message very clear to us. They want to see us cut back on taxes and they want more equity in their taxes.

They want their taxes based on the ability to pay and I, as a member of the Taxation Committee, as long as I am serving this legislature, I will continue to support legislation which will bring more equity in taxes of all types.

I believe that this bill, the compromise before us today, is not perfect. There are a lot of things I would like to see. I would like to see the hundred percent funding for special education, but I am willing to compromise that. I felt that House Amendment "O" was not a good measure because it called for a 26 percent surtax and a 5 percent increase in the cigarette tax, which, to me, was just an avoidance of the issue. However, I feel that this particular amendment is a definite large step in the right direction and I urge you to support this amendment today.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with great interest to this debate today and there are just two or three points I would like to make in connection with some of the remarks that have been made.

In connection with local units, I want to assure you that the local units are looking at their future funding, looking at it very closely and looking hard for ways in the next year to make some changes which will reduce the cost of education in the local areas. This is going to be very difficult, but they are addressing themselves to it and I know this from personal knowledge in my own area.

The best we can do here is to give them some tools to work with, and this bill is an excellent tool.

We do lose revenue to out-of-state owners with property with this shift, and that is an issue which is a real big policy issue that this legislature or the next one has got to address itself to. Probably it

should be carefully considered at the regular session, as the Governor has indicated. It is a policy decision, and whether or not we land at 50-50, 45-55 or 40-60, wherever we land, this is something which the legislature is going to have to make its decision on, and they probably will have to make and we probably will have to remake it. As times change, circumstances change, and that is about the only thing we can bank on, is that one thing that is constant is change.

As I vote for this, and I certainly am going to, I do not feel that it compels me to vote for any other particular program. Each one, whether it is wages, the University of Maine, all of them will stand on their own feet. Priorities will have to be decided, but as the gentleman from Nobleboro said, this measure here and now is the top priority. This is the one we must address ourselves to at the present time.

It is a good tool, because it does give some scope to the local units, and further on in further tax reform, we can address it at another session, someone can, some of us won't be here, of course.

But I want you to remember one thing, that this comes within eight-tenths of one percent of the Governor's figure for the funding of education. That is pretty close, ladies and gentlemen, that is shooting for a target and coming pretty close to the bulls-eye. In no way can I characterize this, or I don't think the people of Maine can characterize it as wild spending. This is a good compromise measure. I urge you to support it.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: One point that was raised was the question of the revenue estimates, whether the tax on this amendment would raise the amount of money that it purports to do.

I did receive a call a few minutes ago from Bill Garside and he has been in touch with a gentleman by the name of Bob Meskers, who is an assistant to Ray Halperin in the Bureau of Taxation, and while they do not have an exact certified figure, Mr. Meskers has said that he feels the department will go along with these revenue estimates and that they are in the ball park. So I did want to put that piece of information before you.

I would like to say, we have been here just about five weeks. We have been criticized; we have actually been the target of two legislative report cards, which I personally feel have been somewhat insulting to this legislative body, that we have not done anything from the time that we have been here to solve the education problem.

My real fear is that we will do absolutely nothing and then that type of criticism will be absolutely justified, that we have been here day after day at a cost of thousands of dollars per day and that we were not able to resolve the most important problem facing this or probably any other legislature.

Everyone has his own idea and his own objection concerning this particular bill. I have my objection, as does my counterpart in the other corner. I am willing to overcome mine, as he is willing to overcome his. I am particularly willing to do something positive that will enhance our image, the image of this entire legislature, that will make people believe that the democratic process can produce

results, that we can resolve complex and difficult problems.

I hope you will all look beyond your own immediate objections and fears and rally around the one positive measure that seems to have any chance of passage.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from York, Mr. Rolde, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Blodgett, Boudreau, Bowie, Bustin, Byers, Carey, Carpenter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Farley, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingeneri, Jensen, Joyce, Kany, Kelley, Kennedy, Laffin, LaPointe, Lavery, LeBlanc, Lewin, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Mitchell, Morton, Mulken, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Teague, Tierney, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Berry, P. P.; Berube, Birt, Burns, Call, Carter, Churchill, Connors, Cote, Dam, DeVane, Dudley, Durgin, Dyer, Faucher, Finemore, Hewes, Higgins, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Leonard, Lewis, Littlefield, Lovell, Mackel, MacLeod, McMahon, Morin, Perkins, T.; Pierce, Raymond, Shute, Silverman, Strout, Tarr, Torrey, Tozier, Truman, Twitchell, Tyndale, Webber.

ABSENT — Carroll, Curtis, Gauthier, Lizotte, Theriault.

Yes, 100; No, 46; Absent, 5.

The SPEAKER: One hundred having voted in the affirmative and forty-six in the negative, with five being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to engrossing.

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

An Act to Revise the Laws Relating to Funding of Public Schools (H. P. 2020) (L. D. 2196) (H. "C" H-880) (H. "O" H-920 as amended by S. "F" S-407, S. "G" S-408, S. "H" S-409, thereto) (S. "A" S-404)

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: It is perhaps presumptuous on the part of any one of us to stand on the floor of this House this afternoon, particularly after debate that has lasted an hour, in an attempt to deliver some remarks designed to convince members of this body to vote one way or the other on this very important issue before us. Nevertheless, that is exactly what I would hope to do in a few short and concise sentences.

I, together with other members of this

House, who represent high valuation communities in this state, have perhaps more reason to vote against this proposal than anyone else. This piece of legislation, or this concept that is embodied in this legislation, has been discussed the length and breadth of the state as property tax reform and equal education opportunity and has caused great dissention among many of the people that I represent.

Those of us who feel that the uniform property tax is unfair and inequitable have had our opportunity on the floor of this House to change the law and we were not successful.

Legislative leadership has assumed the responsibility with which we charged them over a year ago. They put together a compromise education funding bill which I am going to support this afternoon. The vast majority of people I have contacted in my constituency in the past few weeks have indicated conclusively to me that given the choice they would prefer to pay increased income taxes rather than higher property taxes. No one wants to pay either increased income taxes or increased property taxes. But if this legislature fails to act on this bill today, the fact remains that every community in the State of Maine would be paying higher property taxes for education in 1976.

I think we all realize that the enactment of this bill will not be a final solution to the education funding problems in Maine. I have already made the personal commitment to attempt to develop a new education funding law which will benefit all Maine communities, not just most.

The two houses of this legislature have been polarized by a variety of forces, both internal and external. Those forces have at least temporarily come to rest in this House this afternoon where we must ultimately make the decision. I trust that today we shall cast a vote in favor of this bill on behalf of the people we represent, and I trust that we are doing so in their best interest. So I would particularly ask my colleagues, who represent high valuation communities and who with me have worked so hard to bring about some change in our education funding law, to support this measure in the spirit of compromise that it is offered, fully cognizant that it is only a temporary solution to our long-range problems.

Mr. Finemore of Bridgewater 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 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 as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Blodgett, Boudreau, Bowie, Bustin, Byers, Carey, Carpenter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Farley, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall,

Henderson, Hennessey, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Teague, Tierney, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Berry, P. P.; Berube, Birt, Burns, Call, Carter, Churchill, Conners, Cote, Dam, DeVane, Dudley, Durgin, Dyer, Faucher, Finemore, Hewes, Higgins, Hunter, Jacques, Jalbert, Kauffman, Kelleher, Lewis, Lovell, Mackel, MacLeod, McMahon, Perkins, T.; Pierce, Raymond, Shute, Silverman, Strout, Tarr, Torrey, Tozier, Truman, Twitchell, Tyndale, Webber.

ABSENT — Carroll, Curtis, Gauthier, Kany, Littlefield, Lizotte, Miskavage, Theriault.

Yes, 101; No, 42; Absent, 8.

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

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

Mr. ROLDE: Mr. Speaker, having voted on the prevailing side, I move that we reconsider our vote whereby we enacted this measure and I hope you all vote against me.

The SPEAKER: The gentleman from York, Mr. Rolde, having voted on the prevailing side, now moves we reconsider our action whereby this Bill was passed to be enacted. All those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage: (H. P. 2087)

ORDERED, the Senate concurring, that the State Archivist is directed to deliver 300 copies of the Maine State Archives publication *Dubros Times: Selected Depositions of Maine Revolutionary War Veterans*, to the Clerk of the House of Representatives for distribution to the Members of the Legislature.

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

By unanimous consent, ordered sent forthwith.

Mr. Mills of Eastport was granted unanimous consent to address the House.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Ten years ago when I was here, there was a gentleman who sat right down in here that was a Representative from the Town of Lubec in Washington County. This gentleman was a very distinguished person. I am talking about Sumner Pike from Lubec who is being buried today.

Mr. Speaker, I move the House stand adjourned until ten o'clock tomorrow morning and that this adjournment be in memory of the late Sumner Pike of Lubec, a very fine, honorable gentleman.

On motion of Mr. Mills of Eastport,

Adjourned until ten o'clock tomorrow morning in memory of Sumner Pike of Lubec.