

# 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

Friday, March 5, 1976

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

Prayer by the Reverend Ernest C. Flood of East Poland.

The journal of yesterday was read and approved.

## Papers from the Senate

The following Joint Order: (S. P. 735)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Bath Iron Works Which in Recognition of its Excellent Work was Awarded a Contract to Build Five Guided Missile Patrol Frigates for the United States Navy

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.

The following Joint Resolution: (S. P. 736)

## IN MEMORIAM

Having Learned of the Death of Iva Willis Who Served Faithfully for 29 Years, as the Town Clerk of Starks

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

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

Came from the Senate read and adopted. In the House, the Resolution was read and adopted in concurrence.

## Reports of Committees Referred to Committee on Judiciary

Report of the Committee on Health and Institutional Services on Bill "An Act Relating to Mental Health and Retardation Programs in the Department of Mental Health and Corrections" (S. P. 698) (L. D. 2222) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Judiciary.

In the House, Report was read.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss if I did not explain what was happening here, because I think the people on the floor of the House here should understand what is happening. I think this has happened to several other bills.

This bill came from the Governor's Office. As you remember, earlier in the

session the Governor made a big deal about keeping the session short and that he was only going to introduce four or five bills. Well, he did introduce four or five bills, in this one particular bill there are four or five bills. Our committee dealt with several sections of this bill and we will be making the recommendations to the Judiciary Committee which will have to deal with the other sections of the bill.

I think it is important that we should understand that this bill is going to take twice as long to go through the legislative process because the Governor, in an effort to make himself look good and the legislature look bad, has thrown in four bills in this particular L. D. which deal with a variety of several issues, and I think it is important that if you do get any criticism from why we are spending a lot of time up here, this is one reason why.

The four bills included in this report should be coming out today for their final action. As a result of the way the Governor has presented these bills, it is just half way through the process right now.

Thereupon, the Report was accepted and the Bill referred to the Committee on Judiciary in concurrence.

## Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Relating to Methods of Posting of Land Against Hunting" (S. P. 674) (L. D. 2149)

Report was signed by the following members:

Mr. McNALLY of Hancock — of the Senate.

Messrs. CHURCHILL of Orland  
WALKER of Island Falls  
KAUFFMAN of Kittery  
PETERSON of Caribou  
MacEACHERN of Lincoln  
DOW of West Gardiner  
MARTIN of St. Agatha  
MILLS of Eastport  
TOZIER of Unity

— of the House.

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

Report was signed by the following members:

Messrs. GRAFFAM of Cumberland  
PRAY of Penobscot

— of the Senate.

Mr. USHER of Westbrook

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

Mr. Mills of Eastport moved the House accept the Majority "Ought not to pass" Report in concurrence.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would request a division on the motion and would speak very briefly.

The L. D. before you simply calls for lands now being posted by signs, no hunting and so forth, in many cases, especially down in York County, the signs do fall off the trees and get buried and there are homes in the area and there have been a few incidents where it has been pointed out to myself and the sponsor of this bill where there are bullet holes in his house, so this would merely allow the owner of the land to paint the trees instead of putting up a sign so it will be a little clearer for everybody involved.

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

Mr. KAUFFMAN: Mr. Speaker and Members of the House: Some things Representative Farley has said are true. However, this is a very bad bill. As he stated, it allows a person or persons or corporation, lumber company, to paint their trees.

I don't know whether the gentleman who introduced this bill in the other body or Representative Farley are familiar with hunting in the wilderness of Maine. I am, and I have been for years, and I have hunted practically in every county in the State of Maine. These large tracts of land are owned by the Great Northern, St. Regis, it used to be the Maine Seaboard and several other lumber companies. When they purchased this land, they painted trees or established posts which they painted.

If this bill were to be passed today, I as an abutter on any of these lands, could put up a sign and say, "keep off, posted land, yellow color," and there would be hundreds of thousands of acres which would have a division with a yellow or an orange or a red post marked which you would be prohibited from hunting, even though the original owner did not know that this sign "no hunting" was in effect. I urge you to accept the majority "ought not to pass."

The SPEAKER: The pending question is on the motion of the gentleman from Eastport, Mr. Mills, that the House accept the Majority "Ought not to pass" Report in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

93 having voted in the affirmative and 15 having voted in the negative, the motion did prevail.

## Non-Concurrent Matter Tabled Unassigned

Bill "An Act to Change the Statutory Qualifications and Salary Limit for Director of Personnel" (Emergency) (H. P. 1937) (L. D. 2125) which was Passed to be Engrossed as amended by House Amendment "A" (H-938) in the House on March 1, 1976.

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-938) and Senate Amendment "A" (S-420) in non-concurrence.

In the House:

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: You will recall that this measure is the one that I spoke about the other day where the power of appointing the personnel director for our civil service system is changed to a gubernatorial appointment. After we killed that, it went over to the other body where Senate Amendment "A" was added, and that changes it so that the gubernatorial appointment must be approved by the Executive Council.

Now, I am also aware, in my discussions with members of the State Government Committee, that the big bill which changes things over as a result of the abolition of the Executive Council will be coming in this special session, and that bill calls for a gubernatorial appointment with the following safeguards. The appointment must have the approval of the State Government Committee and then must have the approval of the other body.

This thing, to me at least, is of such a

critical nature that I see no reason, considering the fact that the big State Government Bill is coming, to take this action at this time and I am wondering whether the majority of the House would agree with me, that the best thing to do with this bill at this point is to table it unassigned. If that makes sense, I would hope that somebody would make that motion.

Thereupon, on motion of Mr. Rolde of York, tabled unassigned pending further consideration.

#### Messages and Documents

The following Communication: (S. P. 737)

#### STATE OF MAINE ONE HUNDRED AND SEVENTH LEGISLATURE COMMITTEE ON PERFORMANCE AUDIT

February 27, 1976

Legislative Council  
State House  
Augusta, Maine 04333

Gentlemen:

Herein is the report of the Joint Standing Committee on Performance Audit on its study of S. P. 587.

Respectfully submitted,

Signed: RICHARD N. BERRY  
Senate Chairman

Signed: GEORGETTE BERUBE  
House Chairman

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

#### Petitions, Bills and Resolves Requiring Reference

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

##### Marine Resources

Bill "An Act Concerning the Seining of Mackerel in the Territorial Waters of Washington County" (H. P. 2157) (Presented by Mr. Mills of Eastport) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635, as amended)

(Ordered Printed)  
Sent up for concurrence.

##### Study Report Performance Audit

Mrs. Berube from the Committee on Performance Audit to which was referred the study relative to Increasing the Efficiency of the Investigation and Prosecution of Fraud against the State, pursuant to H. P. 529 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 Increase the Efficiency of the Investigation and Prosecution of Fraud against the State" (Emergency) (H. P. 2155) (L. D. 2290) 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 Performance Audit, ordered printed and sent up for concurrence.

#### Orders

Mrs. Byers of Newcastle presented the following Joint Resolution and moved its adoption: (H. P. 2156)

#### IN MEMORIAM

Having Learned of the Death of George B. Cable Who Was An Outstanding Citizen of Newcastle

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

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

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

Mrs. Clark of Freeport presented the following Joint Resolution and moved its adoption: (H. P. 2158) (Cosponsor: Mr. Kennedy of Gray)

#### IN MEMORIAM

Having Learned of the Death of the Honorable John T. Doughty of Gray Member of the Gray Town Council and Member of the 90th and 91st Legislatures

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

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

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

#### House Reports of Committees Leave to Withdraw

Mr. Perkins of South Portland from the Committee on Judiciary on Bill "An Act Relating to Public Inspection of Certain Juvenile Court Records" (H. P. 1881) (L. D. 2059) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation on Bill "An Act to Remove the Minimum Mandatory Tax from the Railroad Excise Tax Formula" (H. P. 2003) (L. D. 2179) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-952)

Report was signed by the following members:

Messrs. WYMAN of Washington  
JACKSON of Cumberland  
MERRILL of Cumberland  
— of the Senate.

Messrs. DRIGOTAS of Auburn  
COX of Brewer  
IMMONEN of West Paris  
MORTON of Farmington  
FINEMORE of Bridgewater  
MAXWELL of Jay  
TWITCHELL of Norway  
DAM of Skowhegan  
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on the same Bill.

Report was signed by the following members:

Messrs. SUSI of Pittsfield  
MULKERN of Portland  
of the House.

Reports were read.

Mr. Drigotas of Auburn moved the House accept the Majority "Ought to Pass" Report

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't sit in too much dread, because it isn't going to take that long as far as I am concerned. I think most of you remember the issue on railroad taxation. I would like to make a very brief review of what is involved.

Originally, the railroads paid a property tax on the right-of-way which they hold here in the State of Maine and at some stage the law was changed so that there was a tax imposed based on a percentage of gross receipts in lieu of property tax. Over the years here in the legislature, this percentage has been reduced several times. I can't remember the details, but it has been trimmed back and the practical effective rate is one quarter of one percent of gross receipts in most instances, unless they have an exceptionally high revenue year.

In the regular session of the 107th, the railroad offered a bill which would have excluded from its income incentive payments received.

This legislation was passed, it was vetoed by the Governor and the veto was sustained. Then the supporters of this legislation were able to get a study authorized and this bill that we have before us today is the result of that study.

Central to this whole issue is a person whom I admire, although I don't always agree with him, the chief executive of the railroad that is principally interested in this tax relief and I think some minimum statement, to say that he believes he should keep all of his cats catching mice and he had a couple of cats up here working and they have really been busy. When this committee came out with this proposal that in effect wipes out the taxes that are the successors to property tax on right-of-way in Maine, even these lobbyists couldn't cover their amazement. They had no idea at any time that they were going to be excused from all taxes, as this bill effectively does. This bill is the only remaining vestige of what was once property tax on the railroad right-of-way here in the State of Maine some 1,500 to 2,000 miles of right-of-way. You set your own value on what it is worth.

So, what is wrong with that? It is always a pleasant experience to excuse people from taxes and it is always a very painful experience to impose taxes or collect taxes. My objection to this process is based on this premise, that it is imposed property taxes all across the State of Maine, it is our largest producing tax, I think it produces something like 40 percent of the total state and local taxes, it is our biggest producer and it is no way related to the profitability of the taxpayer. So in this one instance, we would, if we were to adopt this legislation, say that because your profits are low this year or low at least according to their standards, we are going to excuse you from this tax. I see no reason that we can to other deserving cases around the state say that we shouldn't extend this same benefit to them. I feel that it is exceedingly discriminatory and I hope that you vote against the motion.

The SPEAKER: The Chair recognizes

the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I feel I should add a few words to the statements of Mr. Susi. I was a member of the study commission appointed by the Speaker to study the question of excise for railroads last summer. I am a bit chagrined to say that everyone who went into that committee came out feeling the same way they did on the way in. We tried honestly, I think, to find some middle ground, some compromise, and were unsuccessful. Two of us appointed to that committee had voted against the bill and those same two people voted against the proposal here before you today. All of the others had voted for the bill and came out of the study committee still favoring the bill.

At least we made some changes and I do feel that the bill before you is an honest bill. It doesn't talk about per diem costs for railroads or repairing boxcars or any of those other things which I candidly felt were red herrings in the last session. It talks simply about tax relief for railroads. So, you can look at the bill and see what it does and believe that is what it does.

It would cost the State of Maine about \$150,000 on any year in which the railroads' rate of return was not 5 3/4 percent. Therefore, it is a tax expenditure. The only question I put before myself and that I put before this House is simply, is a \$150,000 expenditure for tax relief for railroads warranted in this year of tight budget? I suggest that it is not. I suggest that if you look at our tax system of railroads, you will see that we tax railroads in a far more progressive manner than we do any of our other industries in Maine.

Indeed, I wish, with Mr. Susi, that this tax arrangement we have for railroads could be broadened to cover other industries in the state. It seems far fairer to tax them on their profits rather than on property taxes which is an expense of doing business rather than a tax on the profits of business.

We do tax railroads in a progressive way. I think we have no reason to feel ashamed of our tax system toward railroads. I would, therefore, place a low priority on a \$150,000 expenditure to provide further tax relief for them.

I would just parenthetically add that we provided in our bill yesterday property tax relief for all Maine industry. We lowered the property tax from what it is now, we lowered it significantly from what it would have been under the Governor's bill, and in return, we did not raise the corporate income tax. So, we were able in that bill to do something for all Maine industry and I was happy to be able to do that.

Finally, I would just suggest this, that if we pass this bill, which is purely a special interest taxation measure, that the governor then has that chance once again to be the protector of the Maine people's interests and veto the bill. I don't want to give him that chance and I urge you to vote against this bill.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: The subject has been covered very well by the two previous speakers, but I just thought I should say briefly as to why I voted on the "ought not to pass" report. I think fundamentally my reasoning goes something like this. I have spoken on several occasions in this session as a proponent of true tax reform, and this is an

issue that we are going to be dealing with in the legislature. I feel that this is one item that should probably be looked at in the context of total tax reform.

All businesses are suffering under the property tax and I think it is premature at this time to single out the railroad for special tax treatment. So, I would hope you would go along with the feelings of Representative Susi and myself. I would request, if it hasn't already been done, a division on the pending motion of acceptance of the "ought to pass" report.

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

Mrs. SNOW: Mr. Speaker and Members of the House: I would like to pose a question through the Chair. In the first sentence, under excise tax, it states every corporation, person, association, operating any railroad in the state under lease or otherwise shall pay when revenue is justified to the State Tax Assessor. I am wondering, where is the burden of justification? Does the corporation have to justify to the State Tax Assessor or does the tax assessor have to justify to the corporation?

The SPEAKER: The gentlewoman from Auburn, Mrs. Snow, poses a question through the Chair to anyone who cares to answer.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: To answer the lady, I believe that the railroad has to make a certain amount of money and that their books are available for the Tax Department to audit at any time.

I would hope very much that you would vote this morning to pass this measure. We had an eight-man study committee that met several times. It came out of committee six to two; we spent a lot of time on it. It isn't exactly what the railroads had asked us to do. We went further than they had asked us, perhaps, in some areas. It is a good bill, it is an honest and just bill, and I hope that we vote to pass it this morning.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: If I could I would like to change my motion on that, I would like to move for indefinite postponement and would request a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Mulhern, that Bill "An Act to Remove the Minimum Mandatory Tax from the Railroad Excise Tax Formula" House Paper 2003, L. D. 2179 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Burns, Carpenter, Carter, Chonko, Connolly, Curran, P.; Davies, Dow, Durgin, Fenlason, Flanagan, Fraser, Goodwin, H.;

Goodwin, K.; Greenlaw, Hall, Henderson, Hewes, Hobbins, Hughes, Ingegneri, Jacques, Jensen, Joyce, Laffin, LeBlanc, Leonard, Lewis, Lynch, MacEachern, Mackel, Martin, R.; McKernan, Mills, Mitchell, Morin, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Perkins, S.; Peterson, T.; Post, Powell, Raymond, Rolde, Saunders, Shute, Silverman, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Tozier, Tyndale, Wagner, Wilfong, Winship, The Speaker.

NAY — Albert, Ault, Boudreau, Bowie, Bustin, Byers, Call, Carey, Churchill, Clark, Connors, Cote, Cox, Curran, R.; Dam, DeVane, Doak, Drigotas, Dyer, Farley, Farnham, Finemore, Garsoe, Gould, Gray, Hennessey, Hunter, Hutchings, Immonen, Jackson, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laverty, Lewin, Littlefield, Lizotte, Lovell, Lunt, MacLeod, Mahany, Martin, A.; Maxwell, McBrearty, McMahon, Miskavage, Morton, Norris, Pearson, Perkins, T.; Peterson, P.; Pierce, Rollins, Smith, Snow, Strout, Theriault, Torrey, Truman, Twitchell, Usher, Walker.

ABSENT — Bagley, Bennett, Carroll, Cooney, Curtis, Dudley, Faucher, Gauthier, Higgins, Hinds, Jalbert, LaPointe, Palmer, Quinn, Rideout, Tierney, Webber.

Yes, 70; No, 64; Absent, 17.

The SPEAKER: Seventy having voted in the affirmative and sixty-four in the negative, with seventeen being absent, the motion does prevail.

The Chair recognizes the gentleman from Portland, Mr. Mulhern.

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I request that we reconsider whereby we indefinitely postponed this bill and I hope you will vote against me.

Mr. Laffin of Westbrook requested a roll call vote.

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

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

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have hesitated in speaking for quite a few days and I don't want to speak this morning but I think we are doing a great injustice to the railroads. We have railroads in the State of Maine here where only one of them have paid a dividend in the last 10 or 15 years. The other one hasn't paid any dividends for quite some years. These stockholders are holding on and doing a lot of work. They have cut their crews down, they have become very efficient, they have worked hard to stay into this. They are dismantling tracks which now we are trying to form some kind of a plan where we can get them to leave their steel there in case we need it later for coal or something like that to be delivered. They are cutting out one to Farmington. We hope they don't. We would like to see them leave it there, leave the tracks at least. They are cutting out one in Estport which is the only method Eastport has of getting anything in there. They are going along without any federal subsidy, which is probably one of the only railroads in the

New England states and possibly in the United States and I think we are very unfair this morning in taking this away from them.

I have made a study of this, probably as much as the gentleman from Pittsfield, Mr. Susi, and I believe I am broadminded. I believe they need some help and I believe this is the way, in a small way, to help the railroads. I hope some of you will look at this. None of us spoke in favor of it because we thought it would pass. We did a lot of study on it last summer and I think every member on that, including Mr. Susi, did a lot of studying on it. I think Mr. Morton has since. I think the way the bill is now, it is in good shape. I hope you will vote to reconsider this and then vote to pass it.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: This bill is not like what we had last session. We all know that the railroads are in deplorable shape. The railroads need help. We have four industries in Westbrook that rely on the railroads. It means jobs to the people. We have spent money up here foolish plenty of times. One fellow said to me "Well, we are going to lose \$150,000." Well, so what? I have come up with plans to show how we could save a half a million dollars and no one wanted to listen to me. I think this is not the issue. I think the issue before us today is that if we can help the railroads to keep supplying trains on our lines for mills and industry in this state, if we can do something to help them, then I feel that this legislature has an obligation to help the railroads. We don't want to be like these other big cities that are losing everything they have and now and then the federal government has to turn around and give billions of dollars to put them back on the tracks again.

I say that we can do it, it is a small issue, and I certainly hope the members of this House will support it and go along and pass this to give the railroad a break.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I truly did not intend to mention anything today, but I have a legitimate question here and I think I have got to answer it. I might as well answer it to the whole House instead of the writer of the note. The question is, what is the basis for my signature? I am sure the writer of the note remembers well my hard fight to defeat legislation in connection with the railroads at the last session.

I am very happy to explain my vote. I see this bill as completely different from the one we had last time. The one last time was designed to help an individual railroad, based on the fact that they had a real good year in 1974. This bill treats all railroads the same. And I hope you all realize that even if this bill were to pass, if the same situation applied in 1975-76 or '77 that railroad which made a lot of money would again come into the tax picture and be subject to a tax, the one that they tried to avoid by the legislation that was put in last time for the year 1974. Therefore, that is the basis for my vote.

The gentleman from Auburn explained it very well. This purely is a measure which specifically and actually helps the railroads. It is to the tune of about \$150,000. I have no real illusions that this will receive final passage at this session because of our problems with money and of course we have no idea what the end of

the session is going to bring. But generally I tend to favor industry, I tend to give industry all the possible chance they can to be viable and I saw this as the opportunity to do that because it affects all the railroads the same and was not a special case, as was the bill in the last session.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to draw your attention to the Representative from Dover-Foxcroft, Mr. Smith, this is where the Bobbey Twins split.

I give more consideration to the general good health — I know this will be argued — of the railroad industry here in the State of Maine. In our consideration of this, it was brought out, I think it is around 80 percent of the traffic on the railroads in the State of Maine today that is generated by the paper industry.

The paper industry is undergoing right now an expansion to the tune of around 50 percent. Now, you apply 50 percent to 80 percent and you have got about a 40 percent increase in rail traffic that is accruing to the railroads right now. This isn't just my analysis of it. Perhaps you have received, as I received, the Maine Central Messenger that is passed out to the employees of the railroad and I believe the members of the legislature received this publication, too. There was an analysis, I believe, by their president, of the prospects for the railroad in this coming year here in the State of Maine and it is extremely optimistic and in my opinion should be. I believe that they are heading into better times. They point out that they are buying several hundred new boxcars to handle the expanded traffic that will come with the completion of these new and larger paper mills that are going to be generating more products and more traffic for them.

So it somehow seems incongruous to me that we should be passing a tax benefit to perhaps one of the healthier industries that we have in our state that are generally producing profits, not big profits, but they are paying good salaries, they are paying good wages, and they are meeting their expenses and still turning a profit that they are paying taxes on and I don't believe that this special consideration is warranted. If it is warranted, I will put it this way, then we better stand by for lots and lots of other industries that are much worse than this one.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly I would like to state one thing and I hope I am somewhere near in the ball park. The B & A this year raised \$500,000 for snow removal and winter maintenance and they find that late in the month of February they are overdrawn \$200,000, making it \$700,000, due to the fact that there was ice in the leaves and so much water and ice on their tracks. That is just the way it is. They got a little boost by the potatoes going overseas this year and it helped them a little. Now they have turned around and lost their profits. The railroads are very uncertain. I hope you will vote to reconsider this.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Mulkern, that the House reconsider its action whereby Bill, "An Act to Remove the Minimum Mandatory Tax from the Railroad Excise Tax Formula," House

Paper 2003, L. D. 2179 and all accompanying papers was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Bustin, Byers, Call, Carey, Churchill, Clark, Conners, Cote, Curran, P.; Curran, R.; Dam, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Hall, Hennessey, Hunter, Hutchings, Immonen, Jackson, Kany, Kauffman, Kelleher, Kelley, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, Miskavage, Morton, Norris, Palmer, Pearson, Perkins, T.; Peterson, P.; Pierce, Rollins, Shute, Smith, Snow, Spencer, Strout, Teague, Theriault, Torrey, Truman, Twitchell, Usher, Walker, Winship.

NAY — Bachrach, Bennett, Berry, P. P.; Blodgett, Burns, Carpenter, Carter, Chonko, Connolly, Cox, Davies, DeVane, Dow, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hewes, Higgins, Hobbins, Hughes, Ingegneri, Jacques, Jensen, Joyce, Kennedy, Lynch, MacEachern, Mackel, Martin, R.; McMahon, Mills, Mitchell, Morin, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Perkins, S.; Peterson, T.; Post, Powell, Raymond, Rolde, Saunders, Silverman, Snowe, Sprowl, Stubbs, Susi, Talbot, Tarr, Tozier, Tyndale, Wagner, Wilfong.

ABSENT — Bagley, Carroll, Cooney, Curtis, Gauthier, Hinds, Jalbert, LaPointe, Quinn, Rideout, Tierney, Webber.

Yes, 80; No, 58; Absent, 12.

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

The pending question now before the House is on the motion of the gentleman from Auburn, Mr. Drigotas, that the House accept the Majority "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.

Mr. Connolly of Portland requested a roll call vote.

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

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

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, this, although it does not have a fiscal note, will involve \$150,000 revenue loss to the state. If that is the case and if that was budgeted for the next fiscal year, I would like to know if the people who are voting in favor of this would recommend to me what things ought to be cut out as a result of that loss of \$150,000.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would like to pose a question to the gentleman from Pittsfield, Mr. Susi. Did I understand him to say that

when this tax was set up originally, it was in lieu of local property taxes and presently, then, railroads do not pay local property taxes on their lines, their tracks?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Heves, has posed a question through the Chair to the gentleman from Pittsfield, Mr. Susi, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. SUSI: Mr. Speaker and Members of the House: The local freight sheds and rail yards and like that are taxed under property tax, but the right-of-way from town to town is taxed under this gross receipts tax.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: Not to delay matters, but I do want to add one thing. This bill does not simply require the railroads make a profit before they pay taxes. It requires that they make a profit of 5 3/4 percent net return on their investment. That is as progressive a piece of taxation as I can imagine. We don't have it for any other industry in the State of Maine, and I think we need not be ashamed of our present taxation of the railroads. This minimum of \$150,000 tax is reasonable, I believe, and I therefore hope you vote to kill this bill at this point.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: It has always been planned that all utilities in the State of Maine make 7 percent on their investment. If they aren't making 7 percent on their investment, they are allowed a freight rate increase, they are allowed an increase on telephones, on electric lights. This tax in lieu of property tax is true of two different outfits in the State of Maine. The utilities, such as the telephones, they are taxed under the same system, and railroads under the same system as them.

Back when they were making big money, they were paying big taxes. But today, when you pay a tax whether you make money or not, it is going a little too far. This right here will change that so they won't have to. They will pay on gross revenues, whether they make money or not, and this was a very unfair tax.

I hope this morning you will go along and pass this bill.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: In these stringent times when we are in trouble as far as money is concerned, and where we are going to get the money is the question in my mind, and to take \$150,000 out of the fund at this time would be a very dangerous precedent. I sincerely hope that you will give this a very conscientious thought and I think it is a mistake to set a precedent for a private interest.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Walker.

Mr. WALKER: Mr. Speaker and Members of the House: I think I believe in fair play and I think we could give the railroads somewhere near the same break as we give the trucks. We furnish the highways for the trucks.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I still haven't heard a real answer to the Representative from Bangor, Mr. Henderson's question on where the money is going to come from. I for one would like to get this answered before we vote on this.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I think that we should consider that trucks pay a highway user tax, and I am sure that all of the highways in Maine aren't just for trucks alone. They are for the public.

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

Mr. NORRIS: Mr. Speaker and Members of the House: To try and answer the question. This bill, the same as any other loss of revenue that has to be paid, will be put on the Appropriations Table. And needless to say, if we don't find money enough to fund it on a priority basis, then it will die there. So if you are concerned about where is the money coming from, if the money isn't generated one way or the other, then the bill will die for the lack of funds.

I am not trying to influence anybody how you vote on it, but that will be taken care of in its due course of time when it goes on the Table.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: With all due deference to the gentleman from Brewer, Mr. Norris, that was the same argument that was used on the Sobin Chemical bill last year when that went through here, and as I recall, two or three weeks after it was passed, it was taken off the Appropriations Table and passed.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: If we follow Mr. Norris' argument that we should let this thing go and let it set on the table so we can bargain with leadership, perhaps we should have followed that same argument with all the bills that have been coming out of the Appropriations Committee killing a lot of appropriations for various social service projects, money for children's services, mental health and corrections, etc. So I think before we can just vote for something like this and say to ourselves, well, you know, we will let it set on the appropriations table, I think we have got to make a decision right here and now if we want to go with this.

I am not dead set against going with this. I just want to know where the money is going to come from and what type of priority this type of tax break is going to be given as opposed to a priority for children's services or mental retardation?

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just say that the \$150,000 tax deduction that the railroads would receive is just the exact equivalent of the alcohol and drug abuse service which the Governor is not funding for next year. We have on our table unassigned An Act Providing Funds for Fair Harbor Emergency Shelter. That is only \$15,000. We are wondering where we are going to get that. I think everybody is

taking their lumps this year, and I think the railroads should hold off for another year or two, until the economic climate improves, just like everybody else.

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

Mr. CAREY: Mr. Speaker and Members of the House: I am not going to try to influence you either way, but I would point out one area where the money may come from.

You will recall a bill that was brought up in the regular session. It was defeated and I got up and said there was a very strong possibility that there would be 35 jobs lost in the Waterville yards for the rebuilding of some cars. Well, I would point out to you, those 35 jobs were lost. I have not been contacted, in case anyone is concerned about lobbyists and lobbyist influence, I have not been contacted by any particular lobbyist. However, I have been made well aware by many people from within the yard itself, the workers, not management, but there is a strong possibility that those 35 people could be put back on the payrolls whether this thing becomes law or not.

Obviously, if this thing becomes law, it would make it that much easier to put the people back on the payrolls. But some of your money would come back from the income taxes that those people would pay in and, more importantly, some of it would be saved in the area of health and welfare, where some people are getting some relief from Health and Welfare and some people are getting help which is reimbursed by the state partially under the welfare department of the city in the grants that we are giving out. So some of that money, if not all of it, at least would be returned in the fact that 35 people would be put back on the payrolls. Interestingly enough, it is the very same philosophy that the Jobs Committee, on which Mr. Connolly from Portland serves, that you can spend a little money and save a lot of money by putting people back to work.

I am really interested in the fact that some people here have taken the attitude that they are basically anti-industrialists.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I should point out that Committee Amendment "A" sets the date for this for 1977.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the remarks of the gentleman from Waterville, Mr. Carey, it seems to me that you are saying that unless we pay this bill, 35 jobs are going to be lost or are not going to be refilled. It seems to me that in the testimony that came from the committee, that particular item, either pro or con, was never mentioned. I would like to know if that is exactly what you are saying.

The SPEAKER: The gentleman from Portland, Mr. Connolly, has posed a question through the Chair to the gentleman from Waterville, Mr. Carey, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. CAREY: Mr. Speaker, I would certainly respond by telling the gentleman from Portland that I am not in any way trying to influence his vote. I am telling him exactly what is running through the shop in the Waterville yard currently, that there is a possibility that these jobs could

be reinstated. Whether it was brought forth as testimony or not, I don't know, I didn't attend the hearing. I expected to be extremely silent on this particular bill.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I think I heard Representative Mackel say that this did not take effect until January of '77 in accordance with the amendment. As I read the amendment I have in front of me, it says it is retroactive to January of 1976.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I didn't intend to get involved in this debate, and I was only trying to answer the question for the two gentlemen and Sobin Chemical was brought in. But will submit that in our present financial state, if we apply the same philosophy to every piece of legislation that requires money that is coming along, we will kill it on the floor of this House, be it social services or any other piece of legislation that requires money. If we apply that philosophy across the board rather than passing those things that we feel are necessary and then letting them stand on a priority basis on the Appropriations Table, and then after the appropriation determination is made, then somehow, some way trying to find the amounts of money that will be needed to fund them, but if we are going to today decide that we are going to be the sole judge and jury on a priority basis, then we should kill every type of legislation that comes before this House that requires money.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Mulkern, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Blodgett, Burns, Carpenter, Carter, Chonko, Connolly, Curran, P.; Davies, Dow, Durgin, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hewes, Higgins, Hobbins, Hughes, Jackson, Jacques, Jensen, Joyce, Kennedy, Leonard, Lynch, MacEachern, Mackel, Martin, R.; McKernan, McMahan, Mitchell, Morin, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Perkins, S.; Peterson, T.; Post, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Silverman, Snowe, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Tozier, Tyndale, Wagner, Wilfong.

NAY — Albert, Ault, Berube, Birt, Boudreau, Bowie, Bustin, Byers, Call, Carey, Churchill, Clark, Conners, Cote, Cox, Curran, R.; Dam, DeVane, Doak, Drigotas, Dudley, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Hall, Hennessy, Hunter, Hutchings, Immonen, Ingegneri, Kany, Kauffman, Kelleher, Kelley, Laffin, Laverty, LeBlanc, Lewin, Littlefield, Lizotte, Lovell, Lunt, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, Mills, Miskavage, Morton, Norris, Palmer, Pearson, Perkins, T.; Peterson, P.; Pierce, Rollins, Smith, Snow, Spencer, Strout, Theriault, Torrey, Truman, Twitchell, Usher, Walker, Winship.

ABSENT — Bagley, Carroll, Cooney, Curtis, Gauthier, Hinds, Jalbert, LaPointe, Lewis, Rideout, Tierney, Webber.

Yes, 63; No, 75; Absent, 12.

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

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-952) was read by the Clerk.

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

Mr. HEWES: Mr. Speaker, I move the indefinite postponement of Committee Amendment "A" and would speak to my motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves the indefinite postponement of Committee Amendment "A".

The gentleman may proceed.

Mr. HEWES: Mr. Speaker and Members of the House: The gentleman from Jay, Mr. Maxwell, said in the course of debate that Committee Amendment "A" would have this act go into effect in January of 1977. I think some of you voted in that regard.

As I read Committee Amendment "A", it relates to retroactivity. It says that this act shall be retroactive to January 1, 1976. I submit that we should not be cancelling off a possible debt that has already accrued. I hope that you will indefinitely postpone this amendment.

On motion of Mr. Morton of Farmington, tabled pending the motion of Mr. Hewes of Cape Elizabeth that Committee Amendment "A" be indefinitely postponed and specially assigned for Monday, March 8.

#### Consent Calendar

##### First Day

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

Resolve, Authorizing the Exchange of Certain Lands in the Capitol Complex as Recommended by the Capitol Planning Commission — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-950) (H. P. 1968) (L. D. 2157)

Resolution, Proposing an Amendment to the Constitution to Allow Judges whose Terms of Office Expire or who Reach Mandatory Retirement Age to Continue to Hold Office for up to 6 Months until their Successors are Appointed — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-951) (H. P. 2037) (L. D. 2209)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 8, under listing of the Second Day.

Resolve, Authorizing the Exchange of Certain Public Reserved Lands — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-953) (H. P. 2066) (L. D. 2246)

On the request of Mr. Peterson of Windham, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Resolve read once. Committee Amendment "A" (H-953) was read by the Clerk and adopted.

On motion of Mr. Peterson of Windham, under suspension of the rules, the Resolve was read the second time, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### 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 Authorize Washington County to Raise Funds for Construction of a Detention Center" (Emergency) (C. "A" S-419) (S. P. 693) (L. D. 2213)

Bill "An Act to Extend the Interim Zoning in Areas of Franklin and Somerset Counties" (Emergency) (C. "A" S-418) (S. P. 683) (L. D. 2189)

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

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Correct and Clarify the Maine Banking Code" (Emergency) (S. P. 650) (L. D. 2057) (C. "A" S-417)

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

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

Mrs. LEWIS: Mr. Speaker, I would ask to have this tabled for one day, please.

Mr. Rolde of York requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that this matter be tabled pending passage to be engrossed in concurrence and specially assigned for Monday, March 8. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 61 having voted in the negative, the motion did not prevail.

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

Mr. SPENCER: Mr. Speaker, may I just pose a question through the Chair? What does this do?

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

The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: The proposal before you dealing with the Maine Banking Code is a compilation of a number of minor changes, errors, if you will, sometimes just punctuation marks, which were incorporated into the act which regulates all financial institutions in the state which this body passed during the regular session.

I would refer you to the manner in which it is presented to you. Each of the changes are outlined in the bill and are correspondingly explained in the Statement of Fact. I would be glad to specifically address myself to any particular item, but it is actually well explained in the Statement of Fact in the bill before you.

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

Mr. CONNOLLY: Mr. Speaker, I wonder if the Clerk could read the Committee Report.

Thereupon, the Report was read by the Clerk.



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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Some of you might wonder why I asked to have this bill tabled. I had gone to the committee hearing and had questioned why a person can be a trustee of a bank who deals directly with real estate with that bank or can be a lawyer whose business can be enhanced by being a trustee in that bank. Those people are allowed to be trustees and they are allowed to do business with the banks on which they serve. However, a person who sells securities cannot, that person is specifically excluded from being a trustee.

I, myself, do not think a person who deals in securities should be able to deal with his or her bank, but neither do I think those other people should. I am very sorry this bill got past me. I should have had the amendment ready today. I was preoccupied, I guess, with school funding and it did get by me. I am sorry to take your time, but I did want to have it tabled so that I could put an amendment on that would exclude all of these people from doing business with the bank on which they serve as trustee.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: In response to the concern as expressed by the gentlewoman from Auburn, Mrs. Lewis, that she presented a proposed amendment to this bill before the Committee on Business Legislation at the time of the hearing. The Committee on Business Legislation debated and discussed and evaluated at length the proposal that she submitted and we unanimously agreed that it should not be incorporated into this bill which is before us as an emergency measure.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Again, just very very briefly, Aroostook County banks would have to shut down according to what Mrs. Lewis was saying because every bank has one or two farmers on their board and that is their rules. I would even say that some of the savings banks have some on as their trustees but even on the bank boards they have them in Aroostook County and they usually pick a farmer who is a big borrower.

I can remember back when I first went into a bank in 1929, the late Albert E. Morris was doing business in Houlton and he was one of the men who handled the things that they took back. He owed the bank an immense amount of money but that has no bearing on his decisions. So I don't think that was out of order, what Mrs. Lewis was saying, I think it is the proper thing to do.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I apologize, I have been on my feet a great deal and I know that it is getting late, but as I watch the process this afternoon I become a little concerned, and I am not debating for or against any amendment, but I think that if any member of this House has an amendment that they would like to put to a piece of legislation and put it before the good members of this body, they should have the opportunity to do it, they should be allowed the courtesy of presenting the

amendment and letting it live or die on its merits, whether or not the particular committee that heard the legislation agreed with that amendment or not or agreed with that philosophy. They should have a perfect right to certainly debate against it, whatever it might be, and I am neither for nor against the amendment but I would hope that somebody would table this bill for two days so that a member of this House might be allowed to present an amendment, good or bad, to the bill.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: It is important to the state chartered financial institutions in our state that the measure before us proceed with as much efficiency through the legislative process as necessary, and I would share with you the major of impetus for that concern.

Incorporated in the bill is a section dealing with "now" accounts. The enactment in "now" means negotiable orders of withdrawal. Legislation has recently been enacted by Congress and signed into law by the President of the United States permitting federally chartered financial institutions in Maine to offer "now" accounts. This was effective on Friday last at midnight, February 27, 1976. This places state chartered financial institutions at a severe disadvantage.

I simply request that we proceed through the legislative process and move that this bill be engrossed.

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

Mr. MCKERNAN: Mr. Speaker, I move that this item lie on the table two legislative days.

Mr. Lynch of Livermore Falls requested a roll call, which was ordered.

Whereupon, Mr. McKernan of Bangor withdrew his motion to table.

On motion of Mr. Rolde of York, under suspension of the rules, tabled pending passage to be engrossed as amended in concurrence and specially assigned for Monday, March 8.

#### Passed to Be Enacted Emergency Measure

An Act to Permit a Manufacturer of Alcoholic Beverages to be a Stockholder in a Corporation which is a Licensee (H. P. 1892) (L. D. 2072) (C "A" H-932 as amended by H "B" H-939)

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Since we have just had some confusion over a tabling motion, I would pose a question on this measure because there were some fears expressed that there might be an attempt to table this particular measure. I wonder if that tabling would severely affect the bill and, in effect, might kill the bill. I would pose that question to the sponsor or anybody who might answer.

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

The Chair recognizes the gentleman from Gardiner, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Rolde's question, yes, it would. I have received word that if this bill does not

proceed through the action today, that the gentleman from Gardiner will withdraw his bid from the Maine Guarantee Authority, and as I understand, the Maine Guarantee Authority does not want his particular bid withdrawn, the reason being that the bids open the 17th of this month and this will give him time to accumulate the necessary monies that he is going to need. Of course, we don't keep that kind of money in our bureau drawers, and he would want to be in a position to go on the 17th and that is far as I know on the bill, but he will withdraw if we don't put it through today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to table it for two days, I would just like to see that there wouldn't be the necessary two-thirds vote to pass it and I request a roll call when we get to the point of the vote.

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

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

The SPEAKER: The 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 will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bennett, Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Cote, Curran, R.; Davies, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Morin, Morton, Mulken, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Powell, Quinn, Rolde, Rollins, Saunders, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Theriault, Torrey, Truman, Twitchell, Usher, Wagner, Walker, Wilfong, The Speaker.

NAY — Berry, G. W.; Berry, P. P.; Blodgett, Dam, DeVane, Kany, Kelleher, Lewis, Martin, A.; Mitchell, Pearson, Perkins, S.; Peterson, T.; Pierce, Post, Raymond, Shute, Silverman, Tozier, Winship.

ABSENT — Bagley, Carroll, Connolly, Cooney, Cox, Curran, P.; Curtis, Farley, Farnham, Gauthier, Hinds, LaPointe, Lizotte, Mackel, Mills, Rideout, Strout, Susi, Tierney, Tyndale, Webber.

Yes, 110; No, 20; Absent, 21.

The SPEAKER: One hundred and ten having voted in the affirmative and twenty in the negative, with twenty-one being absent, the one hundred and ten being more than two thirds of the entire elected membership of the House, this Bill is passed to be enacted, as an emergency

measure, signed by the Speaker and sent to the Senate.

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action and hope you will all vote against me.

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

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

Sent to the Senate.

#### Emergency Measure

An Act to Remove the Vassalboro Sanitary District from the Kennebec Sanitary District Before the Kennebec District Issues Bonds this Spring (H. P. 2035) (L. D. 2208) (C "A" H-937)

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. 112 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act Concerning Certain Financial Guarantees to be Made to Triple A Sugar Corporation by the Maine Guarantee Authority (H. P. 1861) (L. D. 2032) (C "A" H-933)

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

Mr. Kelleher of Bangor 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 and voting having expressed a desire for a roll call, a roll call was ordered.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, I was very much opposed to this bill. However, I talked to my good friend from Van Buren, he explained several things to me. I just hate to think we, as halfway intelligent people, would let a man, this Mr. F. V., I was going to call him something else, but if Mr. F. V. can take this state for \$10 million and then turn around and give him \$1.8 million more, I think it would be a shame for the people of this state to have to suffer under this kind of person that he is. But I have been assured that if we vote for this, and I am taking his word for it, it will be for Aroostook County farmers, it will help business up there. I have always been for helping people get into business, stay in business. I hate to see some shyster come along, though, and take it away from them but if this bill and as he stated to me and I accept him at his value, that this is a good bill, that it would be to help people find work and keep this place going, I reluctantly will probably go along with it. I feel that it may not be in the best interest. This Mr. F. V. may be smarter than we

think. But I will at this time not object to it, but I had to let my feelings be known.

I hate to see the people of Maine lose. I am very concerned about it, I am concerned about the people working, I am more concerned about people working in this state than I am of people not working. So, at this time I will go along and support this bill on the advice of the good gentleman from Aroostook County.

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

Mr. LYNCH: Mr. Speaker, I would like to pair with Mr. LaPointe. If he were here, he would vote no and I would vote yes.

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

Mr. BERRY: Mr. Speaker, I would like to pair my vote with Mr. Rideout from Mapleton. If he were present, he would be voting yes; and I would be voting no.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Carey, Carpenter, Carter, Clark, Conners, Cote, Curran, R.; Dam, Davies, DeVane, Doak, Dow, Drigotas, Dudley, Dyer, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hunter, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Joyce, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lunt, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Perkins, T.; Peterson, P.; Pierce, Powell, Quinn, Rolde, Rollins, Saunders, Silverman, Smith, Snow, Spencer, Strout, Talbot, Theriault, Torrey, Twitchell, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Ault, Blodgett, Byers, Call, Chonko, Churchill, Durgin, Farnham, Goodwin, K.; Gray, Greenlaw, Hughes, Hutchings, Jensen, Kany, Kelleher, MacEachern, McMahan, Morin, Pelosi, Perkins, S.; Peterson, T.; Post, Raymond, Shute, Snowe, Sprowl, Stubbs, Tarr, Tozier, Truman.

ABSENT — Bagley, Carroll, Connolly, Cooney, Cox, Curran, P.; Curtis, Farley, Gauthier, Goodwin, H.; Hinds, Lizotte, Lovell, McKernan, Mills, Susi, Teague, Tierney, Tyndale, Webber.

PAIRED — Berry, P.; LaPointe, Lynch, Rideout.

Yes, 96; No, 31; Absent, 20; Paired, 4.

The SPEAKER: Ninety-six having voted in the affirmative and thirty-one in the negative, with twenty being absent and four paired, the Bill is passed to be enacted, signed by the Speaker and sent to the Senate.

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

Mr. SMITH: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider and hope you all vote against me.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, moves that the House reconsider its action whereby this bill was passed to be enacted. Those in favor will say yes; those opposed will say no.

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

#### Orders of the Day

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

House Divided Report — Majority (12) "Ought to Pass" as Amended by Committee Amendment "A" (H-947) — Minority (1) "Ought Not to Pass" — Committee on Labor on Bill, "An Act to Extend Collective Bargaining Rights to the Employees of Maine Maritime Academy" (H. P. 1944) (L. D. 2141)

Tabled — March 4 by Mr. Carey of Waterville.

Pending — Motion of Mr. Tierney of Durham to accept Majority "Ought to Pass" Report as amended by Committee Amendment "A"

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-947) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Mrs. Lewis of Auburn was granted unanimous consent to address the House.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I just would like to thank you all very much for the courtesy you extended me.

Mrs. Post of Owls Head was granted unanimous consent to address the House:

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak today in response to an article which appeared on the front page of our latest edition of the Bangor Daily News. I do so, and I am going to take a few minutes to do it because I did not speak on the issue of school funding yesterday and want to make sure that I am on the record.

I supported repeal of 1994 or 1452. I did that in the regular session and was one of approximately 17 people who voted to even let the issue be discussed after it had been 17A by the committee.

I met with and worked with the coastal communities and my own people in my own towns who were interested in changing the way that the funding of our schools is done in this state. I also supported elimination of the uniform property tax, and voted for that every time it appeared on the floor. Those were not the issues before us in yesterdays vote. I am convinced that there was no realistic alternatives available to us yesterday and that the major question was whether the funding was going to be shifted or that portion was going to be shifted from the property tax to the income tax.

The implication in the article was that I, among others, was torn between leaderships demands that I support their efforts and my constituents demands, that I sustain the veto. Unfortunately, Mr. Day, did not check his facts or chose to ignore them. I had an overwhelming number of calls who contacted me, not only on that critical weekend, but all over the past couple of months, while we have been dealing with this. The number of calls on that veto issue urged me to override the veto. I have two towns who are particularly concerned about this issue. One is a heavy pay in community. The town officials contacted me and urged me to override the veto.

On Monday morning of this week, I attended a town meeting in that community and many people came up to me urging me to override the veto. I have one other community which is participating in the towns of fair taxation suit against this bill. Those town officials

called me and urged me to override the veto. The majority of people who lived in that town, who called me, urged me to override the veto. I was well aware in making what I felt was the only responsible vote that either individuals or organizations would try to obscure the real issue and make some political headway on it.

I have to say that I was only surprised at how quickly a major paper would confirm my worst suspicions and how blatant they would be about it and just how blatant that is can perhaps be illustrated by actually how the vote was in my own county. There are eight people in this legislature representing Knox County. Six are House members, one Republican voted for the override, two Democrats voted to override, two Republicans voted for sustaining and one Republican was absent. We have two Senate members, both are Republicans, both voted to override. We all did so because we felt that was the best vote for our own constituents. Again, the facts were either not checked or they were ignored.

While I take issue with the whole article, which I guess, by the way, I feel should have had the words political advertisement surrounding it, I particularly, personally, resent the implications that I meekly bend to the will of leadership. I make my own decisions and I cast my own vote, and if anybody questions that, I simply urge them to ask leadership themselves or my own committee chairman.

Finally, it is the people that I represent and not John Day who will decide whether my vote to attempt to decrease the state assessed uniform property tax, which is so destructive to our area becomes an election issue. I am not ashamed of that vote and I apologize to no one for it or for being a Democrat, let along the Bangor Daily News. (Applause)

(Off Record Remarks)

Mr. Fraser of Mexico was granted unanimous consent to address the House.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: Long before I was elected to this Body, I had the privilege of this man's friendship, but since both of us were elected in the 102nd, his friendship, of course, became much more close. I can't tell you how much I have enjoyed it. We have been seatmates for the last five sessions. I had hoped to have an element of surprise in this thing but we lost that. I am sorry, too, that so many of the members here have seen fit to leave the hall because I am sure that had they known they would have stayed.

A few weeks ago I was applauded because I attained the age of 75, which I think is quite an accomplishment. Somebody asked me one time if I hated to grow old. I said "I certainly do not, there are many people who are denied that privilege."

Today, we have a man that is three years older than that and I think he deserves the applause of all of us because he has been one of our most faithful members and conscientious. (Applause)

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I did have some biographical data on the gentleman from Bangor that I was going to read into the record, we were all fearful we couldn't find

it and we would have to delay this until Monday, but he is a graduate of the University of Maine in 1921; member of the ATO Fraternity; attended the Officers Training School, Camp Lee, Virginia; he co-organized the first Young Democratic Club in Bangor, and served as its first president; during his term he had the privilege of introducing at different Democratic Conventions held at Bangor, Gene Tunney, former Governor James Curley of Massachusetts, he also served on the Democratic State Committee with the late Fred Lancaster, F. Harold Dubord and Governor Louis Brann, and served on this through the terms of Governors Clausson, Muskie and Curtis; he is now serving in his sixth term in the Maine Legislature; he is certainly one of the most respected and best liked and most helpful members of this Body and I know we have all enjoyed wishing him a very healthy and happy birthday today.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Among some of my claims, I would say that I know the gentleman from Bangor longer than probably anyone in this Body. I also remember his very dear brother, Mr. Thomas, who is a very, very fine friend of mine. The gentleman from Bangor, Mr. Curran, has been of great help to me particularly in the last two or three years. To your happiness, I know, Mr. Speaker and Members of the House, he is absolutely responsible for my breaking more than one record during the last session. I did not table one bill, I did not move once to indefinitely postpone a bill, I did not move the previous question once, I did not blow up once either. Believe me, he has been a fine coach because he has been a fine friend. I think we can say of Ray in all senses of all the words, he is a true gentleman.

(Off Record Remarks)

Mr. Kauffman of Kittery was granted unanimous consent to address the House.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think we all received a notice from Representative Rolde this morning in regard to a meeting which was held in Alfred last Saturday. It says it was a source of some embarrassment to the legislature that only two legislators appeared at that meeting. I am sorry if my absence reflected on this legislature. However, I can not go home late Friday evening and pick up my mail and schedule a meeting that is scheduled for the next day at 10:00 o'clock. I see that they are going to have this same meeting at the Holiday Inn in Augusta, March 8, at 6:30 p.m. and I hope you all attend if you are able.

(Off Record Remarks)

On motion of Mr. Usher of Westbrook, Adjourned until Monday, March 8, at eleven o'clock in the morning.