

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, March 9, 1976

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

Prayer by the Reverend Stephen Foote of Falmouth.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Resolution: (S. P. 742)

Joint Resolution in Honor of State Law and Legislative Reference Library Services

WHEREAS, the Sixth Maine Legislature directed the Joint Standing Committee on Literature and Literary Institutions to inquire into the expediency of adopting measures to procure books and other publications to enable Members of the Legislature and other persons connected with State Government to inform themselves on any subject upon which they might be called to act in the discharge of their official duties and to lay the foundation of a State Library for that purpose; and

WHEREAS, acting on the committee's recommended action, the Legislature passed a Resolve on March 6, 1826, appropriating \$100 annually for the purchase of general laws and judicial reports of the United States, and of the several states, for use of the Legislature; and

WHEREAS, from this modest beginning a Law and Legislative Reference Library has developed which today carries forward the banner of 150 years of proud governmental service; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature, now assembled in special legislative session, pause to reflect on this, the 150th anniversary of this valuable service and to recognize and honor our colleagues of former years for their foresight in initiating such a valuable and enduring library service which has, in the words of the law itself, "aided the Legislature, other public officials and citizens to perform their duties in an enlightened manner;" and be it further

RESOLVED: That the State Law and Legislative Reference Library staff be hereby commended for their contribution and dedication in exercising this continued responsibility on behalf of the government and citizens of this State; and be it further

RESOLVED, that a suitable copy of this Resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the State Law Librarian in honor of this special occasion.

Came from the Senate read and adopted: The Resolution was read and adopted in concurrence.

From the Senate:

Bill "An Act to Assure Resources for the Resolution of Disputes" (S. P. 666) (L. D. 2296)

Came from the Senate referred to the Committee on State Government and Ordered Printed.

In the House, referred to the Committee on State Government in concurrence.

Reports of Committees

Ought to Pass

Committee on Education reporting "Ought to Pass" on Bill "An Act

Extending the Time During Which School Budgets May Be Adopted" (S. P. 665) (L. D. 2103)

Came from the Senate with the Report read and accepted, and under suspension of the rules the Bill was read twice and passed to be engrossed.

In the House, the Report was read and accepted in concurrence and the Bill read once. Under suspension of the rules, the Bill was read the second time and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith.

Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act to Define Resident of a Municipality for the Purposes of Hospitalization or Burial" (S. P. 653) (L. D. 2068) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Residency for the Purposes of Municipal Relief of the Poor" (S. P. 738) (L. D. 2288)

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.

Messages and Documents

The following Communication: (H. P. 2168)

STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON MARINE RESOURCES
March 5, 1976

Legislative Council
107th Legislature
State House
Augusta, Maine 04333

Members of the Council:
In accordance with H. P. 1759 directing the Marine Resources Committee to study the statutes regulating the harvesting, processing, buying and selling of fish and shellfish in Maine, we enclose herein the final report of the Committee.

Respectfully submitted,

Signed: RICHARD N. BERRY
Senate Chairman

Signed: LAWRENCE P. GREENLAW JR.
House Chairman
Committee on Marine Resources

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

**Petitions, Bills and Resolves
Requiring Reference**

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

Judiciary

Resolve, Authorizing Merrilyn Young, or her Legal Representative, to Bring Civil Action Against the State of Maine (H. P. 2174) (Presented by Mrs. Miskavage of Augusta) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635, as amended)

(Ordered Printed)
Sent up for concurrence.

Orders

Mr. Pearson of Old Town presented the following Joint Order and moved its passage: (H. P. 2167)

WHEREAS, The Legislature has

learned of the Outstanding Achievement and Exceptional Accomplishment of Coach Robert J. Lahey, Captains Vernon Cunningham and Peter Clark and the Old Town High School Indians Eastern Maine Class A Basketball Runners 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.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The Old Town High School basketball team was just barely seeded in eighth place in the Eastern Maine Class A Tournament. We had not been in a tournament for quite some time. In the first game, the Old Town Team beat first place Stearns High School of Millinocket. Stearns had beaten Old Town twice during the regular session. That victory over Stearns kindled a spirit rarely seen in Old Town. Following that game, the gracious gentlewoman from Millinocket, Mrs. Laverty, congratulated me on Old Town's victory.

Old Town didn't stop there, she didn't give up, she did rest on her laurels, she proceeded into the next game with Brewer High School, where I have been a teacher for the last eight years. Old Town won that game by one point, placing the tribe in the finals where they fought courageously against Lawrence High School of Fairfield. We lost that game, but I am sure if the Old Town Coach and the team were here today, they would want me to say to my friend Mr. Teague of Fairfield, good luck to your Bulldogs as you meet Rumford this coming Saturday night.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Teague.

Mr. TEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank the kind gentleman from Old Town, and I will pass the words on to Coach Gus Folsom and the Lawrence High basketball team.

A couple other words while I am standing here. We will try our best on Saturday night, and if we show the same courage and stamina that the Old Town Indians did this past Saturday night, maybe we can have a little bit of the inspiration or great white light that comes over Gorham once in a while, and then if I can get that telephone number from our Minority Leader, Mr. Palmer, I think we will have a good chance of beating Rumford Saturday night.

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

Mr. Jalbert of Lewiston, the following Joint Order: (H. P. 2169) (Cosponsors: Mrs. Berube of Lewiston, Mr. Call of Lewiston)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Lewiston High School Blue Devils and Their Coach, Donia Gerard, Jr. State of Maine Hockey 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.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I just got a note from our capable and amicable Clerk. I wanted this order from the whole delegation. The other order that I had put in, and I am mindful of the rules, had Representative Jacques and Representative Cote and Representative Raymond on it. This order has Representative Call and Representative Berube.

This places Lewiston High School in the New England Tournament beginning Friday, and ironically they are playing the same team from Brunswick, which played a very fine game Saturday in the beginning of the New England Tournaments.

(Off Record Remarks)

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

Mr. Torrey of Poland presented the following Joint Order and moved its passage: (H. P. 2170)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Carolyn Honaker, Town Clerk of Turner who Compiled and Printed the 1975 Turner Annual Report

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.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: In presenting this order this morning, I do so because I feel that Mrs. Honaker, Town Clerk of Turner, deserves recognition for her efforts. I have a copy of this town report of Turner and if anyone would like to see it later, it is compiled by mimeographed sheets, about 130 pages, and it was done by Mrs. Honaker with an assistant in her office at a savings of about a thousand dollars to the Town of Turner.

It is my sincere opinion that this effort is a splendid example of economy, efficiency and dedicated effort of local government at the local level.

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

Mr. Blodgett of Waldoboro presented the following Joint Order and moved its passage: (H. P. 2172)

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources is directed to report out a bill to provide that the repair of existing septic systems may be approved and permits issued by the local plumbing inspector.

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

Mr. Carey of Waterville presented the following Joint Order and moved its passage: (H. P. 2173)

WHEREAS, chapter 570 of the public laws of 1973, enacted by the 106th legislature and approved by the voters, created the Maine State Lottery Commission; and

WHEREAS, among the purposes of this commission are the regulation of State Lotteries and the depositing of receipts from State Lotteries into the State Lottery Fund for the payment of prizes to the holders of winning lottery tickets, for the payment of lottery operating expenses and for payment into the General Fund; and

WHEREAS, there is some question as to whether the current statutory pay-out percentages from the State Lottery Fund to winning tickets, to lottery operations and to the general fund are the correct percentages for maximum revenue yield from State Lotteries; and

WHEREAS, the revenue expectations of the State Lottery have recently been far below revenues projected by the State Lottery Commission; and

WHEREAS, these problems indicate the need for a careful scrutiny of lottery operations by this session of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Performance Audit shall conduct a study of the operations of the Maine State Lottery Commission, with emphasis on determining the reasons for recent actual lottery revenues falling below revenue expectations, the best methods for increasing the proper yield of the Maine State Lottery and the effectiveness of current policies of the State Lottery Commission in carrying out the legislative intent embodied in P. L. 1973, C. 570, as amended; 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 submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; 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 and passed and sent up for concurrence.

On Motion of Mr. Albert of Limestone, it was

ORDERED, that Raymond Curran of Bangor be excused March 9th and March 10th for health reasons.

House Reports of Committees Ought Not to Pass

Mr. MacLeod from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase the Statutory Limit on Single Loans Made by the Maine Veterans Small Business Loan Authority Board from \$15,000 to \$25,000 (H. P. 1830) (L. D. 1995) reporting "Ought Not to Pass"

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Additional Funds to Adjust the Salary Schedules of the Faculty, Administrative Staff and Classified Employees of the Maine Maritime Academy" (Emergency) (H. P.

1956) (L. D. 2145) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. MacLeod from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase Salaries of Justices of the Supreme Judicial and Superior Courts and Judges of the District Courts" (H. P. 1900) (L. D. 2080) reporting "Leave to Withdraw"

Mrs. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Medical Care for Aged, Blind and Disabled Individuals" (H. P. 1925) (L. D. 2112) reporting "Leave to Withdraw"

Mr. Finemore from the Committee on Taxation on Bill "An Act Relating to Tax on Pari-mutuel Pools and State Stipend Law" (H. P. 1872) (L. D. 2043) reporting "Leave to Withdraw"

Mr. Kauffman from the Committee on Fisheries and Wildlife on Bill "An Act Restricting the Use of Motor Driven Boats on Certain Areas of Penobscot River" (H. P. 1946) (L. D. 2132) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Resolution, Proposing an Amendment to the Constitution to Increase the Bonding Limit on Maine Veterans' Mortgage Loans from \$2,000,000 to \$5,000,000 (H. P. 1829) (L. D. 1994) reporting "Ought to Pass" in New Draft under New Title Resolution, Proposing an Amendment to the Constitution to Increase the Bonding Limit on Maine Veterans' Mortgage Loans from \$2,000,000 to \$4,000,000 and to Decrease the Bonding Limit of the Maine School Building Authority from \$25,000,000 to \$10,000,000 (H. P. 2171) (L. D. 2295)

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on Transportation on Bill "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers" (H. P. 2009) (L. D. 2191) reporting "Ought Not to Pass"

Report was signed by the following members:

Messrs. CYR of Aroostook
GREELEY of Waldo
McNALLY of Hancock

— of the Senate.

Mrs. BERRY of Madison
Messrs. WEBBER of Belfast
FRASER of Mexico
JACQUES of Lewiston
JENSEN of Portland
STROUT of Corinth
KAUFFMAN of Kittery
LUNT of Presque Isle

— 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. WINSHIP of Milo
ALBERT of Limestone

— of the House.

Reports were read.

Mr. Fraser of Mexico moved that the House accept the Majority "Ought not to pass" Report.

(On motion of Mrs. Najarian of Portland, tabled pending the motion of Mr. Fraser of Mexico to accept the Majority Report and specially assigned for Thursday, March 11.)

Consent Calendar

First Day

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

Bill "An Act Relating to Employment of Drug Inspectors by the State Board of Pharmacy" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-957) (H. P. 1879) (L. D. 2054)

No objections having been noted, the above item was ordered to appear on the Consent Calendar of March 10, under listing of the Second Day.

Consent Calendar

Second Day

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

Bill "An Act Relating to the Initiative and Referendum Processes" (Emergency) (C. "A" H-954) (H. P. 2027) (L. D. 2203)

No objections being noted at the end of the Second Legislative Day, the above item was passed to be engrossed as amended and sent up for concurrence.

Passed to Be Engrossed Amended Bill

Bill "An Act to Exempt Small Financial Institutions from Certain Insurance Requirements" (S. P. 654) (L. D. 2069) (C. "A" S-422)

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

Passed to Be Enacted Emergency Measure

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

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

Emergency Measure

An Act to Authorize Washington County to Raise \$600,000 for Construction of a Detention Center (S. P. 693) (L. D. 2213) (C. "A" S-419)

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

Orders of the Day

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

Bill "An Act to Establish a Maine Community Jobs Act" (H. P. 2165) (L. D. 2293) — In House, Study Report from Joint Select Committee on Jobs read and accepted, March 8.

Tabled — March 8 by Mrs. Najarian of Portland.

Pending — Reference.

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

Mr. CONNOLLY: Mr. Speaker, I move that this bill be referred to the Committee on Labor.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that this Bill be referred to the Committee on Labor and ordered printed.

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

Mr. BOWIE: Mr. Speaker, Men and Women of the House: This particular L. D., if you haven't read it, you should read it. It does have a substantial corporate income tax attached to it. For that reason, I would now move for the indefinite postponement of this bill and ask for a roll call.

The SPEAKER: The gentleman from Gardiner, Mr. Bowie, has moved that this Bill and all its accompanying papers be indefinitely postponed and requested when the vote be taken it be taken by the yeas and nays.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: That motion took me by complete surprise. I knew that there were some members of the House who wanted to have this particular bill referred to the Committee on Taxation because of one of the provisions in it that does call for an increase in the corporate income tax.

I should just call to your attention the fact that this bill was a result of a study done by the Committee on Jobs. It is a very significant piece of legislation and I can't say any more than that it deserves to be heard by a committee of the legislature.

The debate, I think, would be not whether this bill should be indefinitely postponed but what committee it should be referred to. I will just leave it up to you. If you want to kill a bill before it has a public hearing, after the Jobs Committee has spent a considerable amount of time studying the matter, then go ahead and vote to support the motion for indefinite postponement. I think regardless of how you feel about an increase in the corporate income tax or whether or not you want to create more jobs for people in Maine, you should at least allow this bill to have a public hearing. I would hope that on the roll call you vote against the motion for indefinite postponement.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would ask you to vote against the motion for indefinite postponement, because I don't feel that we should kill these bills here before they have a public hearing. Even though some of the bills I might not vote for when they come before this House, I still believe every bill has the right to have a public hearing and not be killed just by a motion to kill a bill on this floor before it goes to the people. I am sure that after this bill has a public hearing and the committee report comes out, we will have ample time then to decide whether we

want to kill the bill or whether we want to support it.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I believe if you read this bill, you will find it can be a very, very important piece of legislation on the economy of Maine in the future. Therefore, Mr. Speaker, I would ask for a roll call.

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 Gardiner, Mr. Bowie, 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 — Birt, Bowie, Byers, Connors, Dudley, Dyer, Farnham, Garsoe, Higgins, Hunter, Hutchings, Jackson, Kauffman, Leonard, Lewis, Littlefield, MacLeod, Perkins, T.; Rollins, Teague, Torrey.

NAY — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Dam, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Farley, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Gray, Hall, Henderson, Hennessey, Hewes, Hinds, Hobbins, Hughes, Immonen, Ingengeri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Lavery, LeBlanc, Lewin, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Maxwell, McBreaarty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, P.; Post, Powell, Quinn, Raymond, Rideout, Saunders, Shute, Silverman, Smith, Snow, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong, Winship.

ABSENT — Bennett, Call, Carroll, Curran, R.; Curtis, Faucher, Gauthier, Greenlaw, Martin, R.; Mulkern, Palmer, Peterson, T.; Pierce, Rolde, Spencer, Talbot, Wagner.

Yes, 21; No, 112; Absent, 17.

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

Thereupon, on motion of Mr. Connolly of Portland, referred to Committee on Labor, ordered printed and sent up for concurrence.

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

Joint Order Relative to Creating a Joint Select Legislative Committee on University Operations to Study and Report on Operations of the University of Maine. (H. P. 2164)

Tabled — March 8 by Mr. Finemore of Bridgewater

Pending — Motion of Mr. Kelleher of Bangor to indefinitely postpone.

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

Mr. QUINN: Mr. Speaker and Members of the House: As I understand the posture of debate now, it is on the question for the motion to indefinitely postpone. I would urge you to vote against this motion to indefinitely postpone. I have an amendment prepared which I would like to offer once this motion is disposed of, which I believe will find acceptance with the overwhelming majority of the House. This is a particularly important item that many of us might pass by procedurally.

I would quote you just briefly from two letters that arrived on my desk this morning. Many of you may have the same letter. One is from Mr. Dorsky from the AFL-CIO and his third paragraph says, "If we permit the quality of the University of Maine to deteriorate, and if we further permit demoralization of the state's work force, then our problems will only be compounded in the future. We don't have the time to stall any longer and we can't meet the problems of today by mere manipulation" and then it goes on.

I have another letter from the other side of the fence, from the Chairperson of the Student Senate of the University of Maine. I read from his letter, he says, "Educational institutions are different in many ways from almost any other institution in American society. Universities of quality are built over many years through the work of many people. Unfortunately, their demise can be much more swift. The problems that the University of Maine faces are of a very grave dimension. From an academic standpoint, they are almost too large to be understood.

"The future of the State of Maine is, in many ways, the future of the people, especially the young people who live in the state university as their only practical opportunity for education."

I believe that the prospects of extensive damage to this institution is a major legislative problem, it is aptly called Maine's other educational funding crisis. On the basis of the very severity of the problem, therefore, I urge you enthusiastically to defeat the motion to indefinitely postpone and let us see if we can provide amendments that will be acceptable to the group and get on with the study.

The SPEAKER: The Chair would inform the gentleman from Gorham, Mr. Quinn, that if he has an amendment, he may offer it at this time.

Mr. Quinn of Gorham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-958) was read by the Clerk.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: The amendment very simply took under advisement the objection of the gentleman from Bangor, Mr. Kelleher, yesterday. He felt that this review of the university should more properly fall under an existing joint standing committee than it would under a specially selected committee. I am perfectly willing to concede this fact, so this amendment that you have before you does assign the task to the Joint Standing Committee on Performance Audit. It does authorize the Speaker of the House and the President of the Senate to assign two extra members from each house to this committee for the purpose of the review.

My reasoning for that is that there are some members on the committee who will not have the time during the coming

campaign season to put the necessary time that should be put in on the committee work. Secondly, there are some people within both bodies who do have particular expertise on the university and who should be on this committee and who can offer a great deal of help in this very important investigation to the committee itself. Just for the record, I am not nor could not be one of those people myself.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am not against this order. I did have an amendment prepared but I didn't put it on your desks because I didn't want to waste the paper until I found out what this amendment was like. Here we are now making a possible committee of 17, 17 mind you. About all that the gentleman from Gorham, Mr. Quinn, is saying is, he is saying what the future is going to be. He is saying that in the future some of these members might not attend. Well, this may be true, but it says in here, ordering that the Joint Committee of Performance Audit, which I agree with, that is where it should go, but he wants to amend it so that there will be two members from the Senate and not members of the Joint Standing Committee of Performance Audit, as selected by the President and two members of the House. This makes a 17-member committee. I believe though, I will change that, I believe that one member is off that committee and the committee only has 12 now, which makes that 16. I believe this is too many. It needs an amendment anyway to amend that section where it says that they will be five from the Senate and five from the House. I don't think that is a proper division. I think it should be three from the Senate and seven from the House under the original bill.

I think this amendment is all wrong this morning and I move for indefinite postponement.

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

A vote of the House was taken. 43 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

Thereupon House Amendment "A" was adopted.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support the motion of the good gentleman from Bangor, Mr. Kelleher. As I look at our register, we only had one joint select committee at the commencement of this session, we now have the second one, the Committee on Jobs, we also have the Public Lands one. I don't recall during my first three terms in the Legislature that we had any joint select committees other than those to convey messages to the Governor or something of procedural matter.

I am not objecting to the study of the university operations, but I don't think we ought to establish a joint select committee to do so and I hope that you vote along with the gentleman from Bangor, Mr. Kelleher, to indefinitely postpone this order.

The SPEAKER: The Chair recognizes

the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you support my motion this morning.

The SPEAKER: The Chair would inform the gentleman that he doesn't have a motion at this time.

Thereupon, Mr. Kelleher of Bangor moved that the Order and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you support my motion this morning for the same reasons that I stated yesterday, that I do think that Mr. Quinn in trying to head in the right direction, although I think he is using the wrong road map to get there.

The Education Committee studied the University of Maine two years ago. Here is a committee that it seems to me has got its feet on the ground as far as the university is going, and if in fact we do want to study the university we could send it to Education, or for that matter, to Performance Audit. It seems strange to me that we would want to create four additional members to be put on a committee when we have already got 13 very capable people on Performance Audit. Some of these members have served on the Appropriations Committee in previous years. They are very knowledgeable individuals and they do know the workings of the University of Maine. But for us to create a special committee this morning, I think it is an exercise in futility.

I appreciate the gentleman's spirit, and I would like to support him if there was a proper order before this House as far as looking at the university through our joint standing committees, but not to create a special one.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: On eight different occasions, I have presented such an order and it went passing through this House just like the snap of a finger. That is as far as it got. I assure you that if we should pass this order here, the same fate would go with it. In case anybody has any ideas that because I am on the Appropriations Committee, and actually I am Chairman of a subcommittee that is still ongoing that could study this and I don't want any part of it because we don't have the time and we are not going to take the time. The subcommittee was created for reasons of economy and because the people could do it. In reference to those people who haven't got any time to do anything because of campaigning, well, there are some of us who, like the gentleman from Gorham, Mr. Quinn, earn a living, take the time and serve on subcommittees. I serve on a subcommittee and it is on record that I came here 23 times without charging anything to anybody. We had some six or seven meetings that were made up of the full committee, and I charged like anybody else.

I think this, I would agree that we have some members on the Performance Audit Committee that can really and truly ferret out a great deal of information. As a matter of fact, as a member of the present Performance Audit Committee who is not a member of my party, and he and I both

talked a couple of years ago of putting in an order to really go through the University of Maine from top to bottom.

I confess, I cannot and you cannot get this thing any further than here, I cannot at any time support any order that would call for a 17-man committee, 13 is too much, 10 is too much, five would probably be all right. I have chaired committees before, I am still chairing the committee of my party in my area. When I want something to go by, I name a small committee, and if I want it messed up, I name a big committee, then I really get it messed up and things end up just exactly the way I want them to.

I would suggest that this thing here ought to be tabled and that an appropriate order be put through that a subcommittee of the Performance Audit Committee, made up of possibly five and two from the other branch or four and one, one from the other branch. If someone else has withdrawn himself from the other branch on the committee, certainly the presiding officer, as our own presiding officer, can replace him with somebody else. That is not very difficult to do.

I think this is a good order, I think the thought of the gentleman from Gorham, Mr. Quinn, is a fine thought. I have had the same thought for nearly 20 years and I have got it by here very easily on good wheels, but believe me, when it got to another spot that I can't mention, it was stopped dead, and it was stopped because of the price tag on the membership of the study and the travel and the expenses and per diem.

I would support enthusiastically an order that would go within the scope of the Performance Audit Committee with a smaller number of members. I would urge that this be tabled and I would be delighted to help work out an appropriate amendment for those people that feel as I do about it, and possibly the gentleman from Bangor, Mr. Kelleher, and the gentleman from Bridgewater, Mr. Finemore.

I think the idea is a splendid one. I think eventually this has got to be done, because if it is not done, the University of Maine will be in constant trouble. I have told this to the Chancellor. I told the Chairman of the Management Cost Survey Committee that he wouldn't get very far at the rate he was going, and I think if you look at the report, you will find that nothing was done in that area.

I am one of those who feels sometimes that as far as the University of Maine is concerned, we ought to have 40 percent control by the University of Maine, 40 percent control by us, because of the donation that I make, and 20 percent would be a fiduciary group. That way, somewhere along the line, we would at least know what is going on and the outside world would know how the money is being expended.

But that is beside the point. I think this good order should be tabled for an amendment, and if it were tabled for amendment and the committee would reduce it, I think it would have clear sailing here and I am sure it would have far better sailing in the other body, and I am only making a suggestion.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that my rising at this moment will not be misconstrued as a stop in a detente. I don't

want it to be misconstrued that I am opposing Mr. Jalbert on this motion. But I feel that the Performance Audit Committee, first, would have ample time to conduct the study. Secondly, the members, I believe, are imminently qualified, many of whom, as Mr. Jalbert has said, have served on Appropriations. And thirdly, I don't recall that large standing committees have conducted expensive day hops as a group. As a rule, they are divided into subcommittees, and I would hope that this would not be tabled and that we would accept the order of Mr. Quinn.

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

Mr. JALBERT: Mr. Speaker, I quickly rise to tell the gentlelady from Lewiston that I agree with her. On that basis, let's kill the order. I want this done by the Performance Audit Committee, made up for a subcommittee within the Performance Audit Committee, like five or seven at the most. I don't want 17 people spending \$25 a day, plus travel, plus expenses. That is too much money altogether. You might get it by here, but if I were a gambler, which I am not, I might make a little book that this is as far as it goes.

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

Mr. LAPOINTE: Mr. Speaker and Members of the House: I am going to support the motion to indefinitely postpone this morning, and I wanted to share with the House why I am going to do this.

I think that the House Amendment that has been offered this morning under H-958 is cutting to the heart of the matter. That is, we should refer it to an existing committee.

I am a member of the Performance Audit Committee. I personally don't care whether it goes to the Performance Audit Committee or it goes to Education or Appropriations and Financial Affairs. I am concerned with one thing, and it is the sort of Rube Goldberg aspect of this particular amendment, and that is the idea of augmenting a joint standing committee with two additional members. I think that is an awkward precedent that we are going to be setting here this morning, and I think that is the reason I am going to support the motion to indefinitely postpone. I don't think we should get into these awkward precedences of augmenting committees, and I would hope that you would support the motion.

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

Mr. QUINN: Mr. Speaker and Members of the House: I have never heard so many people who approve of anything willing to vote against it. This is sort of like God and motherhood; we are all for it but nobody, at least of the recent speakers, seems to want to vote for it.

I have no objection whatsoever to Performance Audit doing it. I have no objection to Education. I have no objection to a joint standing committee. I do feel, without reiteration of what I said before, that it is one of our major problems, and I could not more strongly feel that we avoid our responsibility if we don't take hold of this and do something. It has had two days now to simply make procedural tailorings. I tailored it yesterday to meet objections and received tentative agreement that this tailoring was all right. Now, this morning, the tentative agreements have fallen apart and the tailoring is not acceptable.

If we are talking about one of the major aspects of our state, I think that we are nickel and diming ourselves to death with the worry about whether we are going to have 16 people or 5 people or 3 people or 8 people or any other numbers of people. We have a major problem before us and I think, by golly, that we should sit down and we should take the bull by the horns and let's have a committee. And as far as the possible objection that it may not be approved in the other house, then let them amend it and send it back to us much as they do any other kind of legislation that they so feel. I wouldn't make any bets as to whether they would approve this particular grouping or not, I don't think it is germane to the issue. I think we should act as we see fit in this House, we should approve this order this morning and send it down the hall. If they do wish to tailor it, then they will let us know and it can be tailored and I don't think any of us would have objections.

I do feel, personally, that the augmentation of the committee, which is optional with the Speaker and the President of the Senate, can only be of great assistance. We have five separate campuses for the University of Maine. We have two major subdivisions of administrative offices, they are located in about three different cities and I would suggest that a large committee, such as Mrs. Berube says, could most certainly efficiently occupy itself in subcommittees. There is expertise within this body that has to do with faculty. There is expertise that has to do with mission orientation of the university. There is expertise which has to do with cost effectiveness. There is expertise which has to do with educational programs, vis-a-vis other states, and I would suggest that we unnecessarily restrict ourselves and hamstring ourselves if we deny our Speaker and the President of the Senate the privilege of adding some of this expertise as needed and wanted by the committee as this very important review is conducted. I urge you, therefore, to support my order.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: I have seen somebody walk through a door that was just wide open before, but I have never seen anybody walk through an auditorium as wide open as the gentleman from Gorham, Mr. Quinn, just walked through. He must have a bad memory. He makes the statement "I have never heard so many speak that they wanted to be one way or another on something, yet go along one way or another." I heard 17 people last Thursday get up and say "I reluctantly, or with sorrow, am chagrined" — why, the thing was in such a posture that I didn't even hear my good friend on my left, the good leader of the opposition and my absent good friend on my right, the majority leader, get up and say anything. All I heard was "I reluctantly, I feel sorry" yet the thing went by with bounce to boot.

This thing here, we are talking about nickels and dimes. Of course, I recognize the City of Gorham, if you drive through there, it is not exactly the poorest community in the state. As a matter of fact, the Town of Gorham's average wage is \$47 more per week than my community in Lewiston. So a thousand dollars a day for meetings don't mean anything, apparently, to the gentleman from Gorham, Mr. Quinn, but it means something to me, and that is exactly what

this bauble is, a thousand dollars a meeting.

At first I wanted to go along with something, but the more I hear, the less I want. I don't say it with chagrin and I don't say it reluctantly, I don't say it with sorry, I say it because I mean it. A thousand dollars a day for a meeting is a lot of bananas.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I would attempt to bring us back to the issue that we have before us rather than the matters that have been thrown in its path today.

The subject that we have at hand is the joint order that would provide for a study of the university system and the administration thereof. This is a subject that has been a hot issue ever since the university was created, but it has become more so recently, to the point where there are serious questions in the minds of the friends of the university as well as enemies of the university within this body as to whether or not we are getting cost effectiveness from our super university system.

I am one of the people who worked on drawing up this order. I am most concerned that the people who live in my district, the faculty, the staff and the students of the university, will know whether or not they are being caused to suffer great economic and educational harm because of some problem further up that is beyond their control.

The opinions of the people who live in my district have changed a great deal, and the feeling that I hear day after day after day, letters, phone calls, personal contacts, what is going on with the super university? Where is the Chancellor at? Why is the university suffering the problems that it is suffering? We are sound at the base, but there is something going on above us that we have no knowledge about and we don't understand and we can't find out about it. And the only people they have to turn to where they can rely is their legislators to conduct a study that is beyond their ability to find the information. It is only us and us alone who are capable of getting that information and putting it together in a rational and realistic form so that we can answer this most serious question of whether or not we are getting our money's worth from the super university system.

If you are concerned about this and concerned enough so that these minor details that have been thrown in its path today are of less significance than the basic premise in the order. I urge you to oppose the indefinite postponement of this order and to pass it and send it to the body at the other end of the hall. If they should choose to kill it, then let it be their decision and not ours.

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

Mr. LYNCH: Mr. Speaker and Members of the House: Having served on one of the study committees and having seen the legislature study the University of Maine system over a number of years, I am not concerned so much with the establishment of a committee of some sort at this time. My concern is that there is no on-going committee to keep in touch with the university system. By the time a committee has acquired the expertise and is capable of doing something, the legislative turnover requires another committee to develop the expertise. It is

this continual turnover within the legislature that I think defeats the purpose of all these study committees.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Livermore Falls makes a very valid point, and I do believe that perhaps a study order such as this one might eventually lead to the formation some day of a joint standing committee on the University of Maine. After all, we are talking over \$30 million a year that the State Legislature is appropriating this university. So I think that might be a very valid subject to be considered by this commission.

I have opposed a lot of the orders which we have for study orders. I think that so many times we have just passed these along and thought afterward about the cost. But I believe in this particular one here, because between this last session I had the privilege of serving on a subcommittee to study the University of Maine, and I can relate to you the frustrations which we had on that committee in dealing with the university, through no one's fault, simply for the lack of information we had to intelligently make decisions on. I think that Performance Audit could very well determine that in the time allotted and make the job of the 108th Legislature much easier than if we do not pass this order.

I would pass one more point along to you. On many of the study orders last session, the Legislative Council did, indeed, authorize expenditures of money for the study of these problems and limited each meeting to a certain number of people who went on these trips. So, I think we are not looking at 16 or 17 people every day going on a safari to Fort Kent or Presque Isle. I think you will find that when it is finally passed, which I believe it should be, that there will be subcommittees broken down to study the problems and you are not talking about a thousand bananas a day for the augmentation of this report.

I think we have got to be careful what we do, but I think in view of what the Representative from Livermore Falls said, and the problems we have right now in determining whether or not we are doing the right thing with the University of Maine, that, indeed, we do need a study commission and perhaps out of it will come something of a permanent nature which will make this a very important part of our deliberations each session of the legislature, because after all, the University of Maine is one of our great resources.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I was a member of the Education Committee in the 106th Legislature which did a study of the University of Maine. We travelled to all the campuses except one. In most cases, the entire committee — a few times everybody couldn't go, but it was a sizable group of us who visited the campuses. We came out with a report. Couldn't we resurrect that report and distribute it? It is just two years old.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I read the report

that the Education Committee did just recently, and it stated that it was a very superficial study and a lot more had to be done. So I don't think that the committee felt that the university had been studied as thoroughly as it could be.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentlelady from Auburn, Mrs. Lewis, in all the time that I have been here, I have never seen the Chancellor and all the presidents of the different colleges appear before a political caucus.

I notice that the gentlelady was asking some questions of the Chancellor and his troops yesterday in the Republican caucus, and he couldn't answer them. He couldn't give us the answers. Apparently the report she refers to wasn't comprehensive enough to provide the answers, because I know she had several very pertinent questions dealing with the University of Maine, so apparently these are questions that have come up since she and her group made that study.

I think that the time has come — I have watched the good gentleman from Lewiston for several years, futilely, to be sure, when it went across the hall, but to try and get some direct communication, get some answers to the questions that are bugging us all when it comes to the University of Maine, the Portland Law School, in particular, the tremendous administration costs in the Chancellor's Office, and I could go on and on and on, but I think the time has arrived for this legislature to take positive action and try to open the lines of communication and find out where we are going, because I think that the University of Maine is in trouble, it is in serious trouble, and it is our responsibility, because this is where the buck stops, it is our responsibility to determine what can be done.

I hope that you vote against the indefinite postponement of this order, let it go down the hall, work out, as we always do, on a compromise basis, our problems and as to how it is going to be studied, but let's try and get together and get the University of Maine working equitably for all the citizens of the state.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: No single member in this House has been any more against the University of Maine on different occasions than I have in the last eight years that I have been here, and I, like every single member in this House, would like to take a good hard look at the University of Maine, but to take this order that we have got here and send it down to the other body, as some have suggested, to correct it is absolutely irresponsible as far as this body is concerned.

I appreciate the ability of Mr. Palmer and I appreciate the ability of Mr. Quinn, and I do likewise with the gentleman from Orono, Mr. Davies. Let's kill this order. Let's put a good one together and then let's send it down to the other body. It has been amended twice in here; it is not a good order. It is not a good order, as Mr. LaPointe has demonstrated, to take a joint standing committee and put additional members on it. That is not being responsible, and I urge this House to kill this order and then let the good gentleman from Gorham present a decent one that we can support tomorrow morning and I certainly will do it.

The University of Maine has been nit picking at me ever since I have been here politically and for some reasons they may be justified, but for stands that I have taken, I think I am justified. To have anyone think that I want to silk over an issue by clouding it with objections is irresponsible. Let's put a good order together and let's not pass this one down to the other body to be corrected, because I would hope they would correct it as far as putting additional members on the committee.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: The Speaker and I have both been here the same number of years, which is quite a long time, and I think maybe his memory is probably better than mine, but I don't remember at any time where a legislative standing committee that was going to make a study ever had four members added to help it. If anybody in this House can tell me when it ever was, I would like to know, because I consider I follow legislature about as well as the rest. I think it is ridiculous to put four more on and make it either 16 or 17 on a committee to study. I think that the Performance Audit Committee should have it, if the order is going to stay in here, and I think they are very capable within their committee of 12 or 13 members to handle it.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, in response to the gentleman from Bridgewater, Mr. Finemore, we did add four members to the Joint Committee on County Government in the regular session to study County Government.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I would like to offer a suggestion. I think most legislative committees have a few hard working members and probably a few others that go along for the ride.

I would like to suggest to the gentleman from Gorham that perhaps a select committee drawing upon the best brains and talent, aggressiveness, initiative drive and everything that goes to make a good legislator be put together for a select committee.

Mr. Quinn of Gorham was granted permission to speak a third time.

Mr. QUINN: Mr. Speaker and Members of the House: I would like to thank Mr. Lynch, that was my proposal yesterday that we do have a select committee drawn from the considerable different types of talent and expertise, but that ran into so much opposition that I felt that it was not practical so I tailored it to go to the Joint Committee on Performance Audit who most certainly has a group of able people. I did retain a little bit of Mr. Lynch's recommendation in leaving these two spaces open where we could put people of unusual talent or expertise and thus I am willing to accept it as a compromise.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, to indefinitely postpone. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Davies of Orono requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House indefinitely postpone Joint Order Relative to Creating a Joint Select Legislative Committee on University Operations to Study and Report on Operations of the University of Maine, House Paper 2164. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Berry, P. P.; Birt, Bowie, Burns, Bustin, Byers, Carey, Carter, Chonko, Churchill, Clark, Connors, Cote, Dam, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gould, Hall, Hennessey, Hewes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kelleher, Kelley, Laffin, LaPointe, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lunt, Lynch, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McMahon, Mills, Miskavage, Nadeau, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Saunders, Silverman, Snow, Sprowl, Tarr, Teague, Theriault, Truman, Twitchell, Tyndale, Walker, Webber.

NAY — Bachrach, Berube, Blodgett, Boudreau, Carpenter, Connolly, Cooney, Cox, Curran, P.; Davies, Dow, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Henderson, Higgins, Hinds, Hobbins, Hughes, Ingegneri, Jensen, Kany, Kauffman, Kennedy, LeBlanc, Lovell, MacEachern, Mackel, Martin, R.; McKernan, Mitchell, Morin, Morton, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Quinn, Shute, Snowe, Stubbs, Susi, Tierney, Torrey, Tozier, Usher, Wagner, Wilfong, Winship.

ABSENT — Bennett, Call, Carroll, Curran, R.; Curtis, Faucher, Gauthier, Greenlaw, Mulkern, Pierce, Rolde, Smith, Spencer, Strout, Talbot.

Yes, 80; No, 55; Absent, 16.

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

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

House Divided Report — Majority (8) "Ought to Pass" — Minority (5) "Ought to Pass" as Amended by Committee Amendment "A" (H-949) — Committee on State Government on Bill "An Act to Provide for More Effective Debt Management and for More Effective Administration of the State's Development Financing Capability" (H. P. 1816) (L. D. 1974)

Tabled — March 8 by Mrs. Najarian of Portland

Pending — Motion of Mr. Cooney of Sabattus to Accept Majority "Ought to Pass" Report.

On motion of Mrs. Najarian of Portland, retabled pending the motion of Mr. Cooney

of Sabattus to accept the Majority Report and tomorrow assigned.

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

Bill "An Act to Remove the Minimum Mandatory Tax from the Railroad Excise Tax Formula" (H. P. 2003) (L. D. 2179)

Tabled — March 8 by Mr. Palmer of Nobleboro

Pending — Motion of Mr. Hewes of Cape Elizabeth to Indefinitely Postpone Committee Amendment "A" (H-952)

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would draw your attention to Committee Amendment "A". What it would do would be to attach a fiscal note indicating that this bill, if enacted effective this year, would cost the state \$150,000 in undedicated general fund revenue. Now, the supporters of the bill want this committee amendment to be indefinitely postponed, killed, so that they can offer an amendment which has arrived on your desk this morning, House Amendment "A" which would defer this benefit to the railroads until next year. This would eliminate the need to put this bill on the Appropriations Table in recognition that funds are short around here and could lead to the demise of the bill.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore, and asks for what purpose the gentleman arises.

Mr. FINEMORE: Mr. Speaker and Members of the House: The amendment he is reading, isn't before the House.

The SPEAKER: The gentleman is debating the committee amendment. The gentleman from Pittsfield, Mr. Susi, may proceed.

Mr. SUSI: Mr. Speaker and Members of the House: My position would be this, on the matter, that I hope that you do not indefinitely postpone Committee Amendment "A" which does attach a fiscal note, because I believe it is irresponsible to extend a benefit to a private interest in this state and then place the responsibility of funding that benefit on the 108th. If you, after consideration, decide that you want to extend this benefit of \$150,000 on exemption of taxes, then that is your decision. I feel that you should be honest about it and face up to the responsibility of where that \$150,000 is going to come from. In other words, are you willing to raise your hand in support of a tax increase on your constituents to extend this \$150,000 exemption through private interest?

I would like to go a little farther as to the issue of need. I think very central to this whole question is, is there a need? Now, if we can establish that these companies are on the ropes and that they are vital to our economy, as they certainly are, then I think the case is established for the need of this legislation.

Last year, the same interests had a bill in here which would have extended tax exemptions to them, and at that time, their position was well, it is true that we have a nice profit this year but next year is going to be a disaster, so give us relief so that next year we will have — well, alright, it is next year, and well, they bailed her out again. Apparently I have more faith in their management ability than they have themselves because they are in a profit picture again this year.

The amendment that will be offered, if

you kill the amendment that is now being considered, would place that benefit into the next year. The indication being that, well, all right we made a profit this year, but next year is going to be tough. Well, let's take their own words. I made reference previously to their own analysis of what the prospects are for the principle supporter of this legislation, Maine Central Railroad. I do this by the count in the corridor, there are five people out there working for this legislation and three of them are in the employ of the Maine Central Railroad so that establishes Maine Central, as far as I am concerned as the principal proponent of this legislation. I refer to their House Organ, it is a Maine Central Messenger, it is January 17, 1976 edition and its principal article here is prospects for 1976. I would like to read some of it to you. They say that nearly 60 percent of the railroads business is directly or indirectly related to the pulp and paper industry. Two large paper mills on Maine Central lines have expansions under construction which will increase production capacity by 60 percent or more. The expansions are expected to be in production by late 1975 or early 1976. That is very pertinent, I believe, because it ties in with the time frame here. It says a little farther down, obviously, these developments will be extremely beneficial to Maine Central Railroad. They go on with specific developments, they say in July, that is July of 1975, Maine Central acquired ten new 1800 horsepower General Electric locomotives. Now, you can use your own estimate. I don't have any figures on what these would cost but I would say about a half a million a piece. If that is somewhere, why that would indicate around a \$5 million commitment.

Further on it says, in November of 1975, Maine Central acquired 75 new 100 ton gondola cars. I am going to say, \$30,000 to \$50,000 a piece. So, here is another couple of million. It says 50 cars were rebuilt at the shops by Maine Central forces in 1975. Then beyond, it says, Maine Central management is recommending the acquisition of 500 new boxcars in 1976 with delivery scheduled for the fourth quarter when new paper machines go on stream.

I am quite sure that a year ago when this legislation was before us the indication was that new cars cost in the range of \$30,000 to \$35,000 a piece, so this is an indication of our willingness to make a commitment for an additional \$15 million.

Now, I ask you this question: is this a portrait of a company that is in trouble? If so, I think that all across Maine we have companies that are in much more desperate shape than this one, I think that the basis of this bill has been that some railroads are having problems, therefore, we should extend exemptions to our railroads. Well, that to me, is just as ridiculous as our granting a tax exemption to Kresge's because W. T. Grant went through bankruptcy. Actually, Kresge's is a very healthy company and most merchandising companies are healthy right now, just the fact that some have had problems is no excuse, in my mind, to extend these considerable benefits to others.

You might say, it is only \$150,000 and considering the level of funds that we deal with here in the Legislature, it is rather a small amount. But this is concentrated in a very small area and could I draw your attention to this analysis, that \$150,000, tax exempt per year, would be equal to a gift of around \$2 million in order to generate

\$150,000 a year tax free. It is a considerable slab of bacon for these people working the corridors to bring home and flop down on the kitchen table and say, Dad, look what I brought you. It would assure these people of employment for many more years in these corridors at very fancy fees. I think this is the real urgency of this bill and it is more important to certain people right within feet of us right now than it ever would be to the industry. I will put it to you this way, if that industry is getting along on 99 and 3/4 percent of its revenues, I doubt that it is going to affect their affairs that much to give them another quarter percent, but it is very important to these people who are really making the effort to obtain this benefit for their clients.

This isn't intended to criticize them nor their commitment. I am sure that they are trying to deliver good services, and in my opinion are, to the people who have hired them. It just happens that some of us have the same commitment to our constituencies as they do to theirs and there is a real conflict here. I am not willing to go to my constituents and say, bear a tax increase to give a benefit to companies that are as healthy as these companies obviously are.

I ask that you not support the killing of this amendment and that if we get a chance again at the bill, I hope that we kill the bill because I believe it is an unwarranted bill.

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that the House indefinitely postpone Committee Amendment "A". All those in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Maxwell of Jay 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 Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: The other day when I got up and talked about this amendment, I didn't have it in front of me and I had assumed — in fact, we had thought that the committee was going to turn out an amendment not affecting this biennium in any way. So, if we kill this amendment now, it won't affect this biennium.

I understand that there is another amendment perhaps that would make sure of this. I don't think we need it but it is fine if we want to pass it. I would hope that you would vote this morning to kill this amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that Committee Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Bennett, Berube, Birt, Boudreau, Byers, Carey, Carpenter, Churchill, Cote, Curran, P.; Dam, Durgin, Dyer, Farley, Finemore, Fraser, Garsoe, Gould, Gray, Hennessey, Hewes, Hunter,

Hutchings, Immonen, Jackson, Jacques, Jensen, Kany, Kelley, Laffin, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacLeod, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Rideout, Rollins, Saunders, Snowe, Sprowl, Tarr, Teague, Theriault, Torrey, Truman, Twitcheell, Tyndale, Usher, Walker, Webber, Wilfong, Winship.

NAY — Albert, Bachrach, Berry, G. W.; Berry, P. P.; Blodgett, Burns, Bustin, Carter, Chonko, Clark, Connors, Connolly, Cooney, Cox, Davies, DeVane, Doak, Dow, Drigotas, Dudley, Fenlason, Flanagan, Goodwin, H.; Goodwin, K.; Hall, Henderson, Higgins, Hobbins, Hughes, Ingegneri, Joyce, Kauffman, Kelleher, Kennedy, La Pointe, MacEachern, Mackel, Mahany, Mills, Mitchell, Morin, Nadeau, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Raymond, Shute, Silverman, Snow, Stubbs, Susi, Tierney, Tozier, Wagner.

ABSENT — Bowie, Call, Carroll, Curran, R.; Curtis, Farnham, Faucher, Gauthier, Greenlaw, Hinds, Jalbert, LeBlanc, Mulkern, Rolde, Smith, Spencer, Strout, Talbot.

Yes, 74; No, 58; Absent, 18.

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

Thereupon, the Bill was read the second time.

Mr. Morton of Farmington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-960) was read by the Clerk.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify my motive for putting this amendment in. Frankly, it is to carry out the intent of the vote on the Taxation Committee at the time the vote was taken. It was my intent, and I am sure that it was the intent of the majority of the committee, that the effect of this bill in no way would impinge on the budget for this biennium. That is what this amendment does, it removes the effect of this bill until the next biennium. The gentleman from Pittsfield was exactly right and he probably was exactly right as to the reason that the lobby now is in favor of this. However, my reason for putting it in was to carry out the intent of the Taxation Committee, which was that in no way should this bill impinge on the budget or the cash flow for this biennium.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: To put it right down to a word of one syllable here, if you put this amendment on, you are extending this benefit to the railroads but you aren't facing up to the responsibility of where the money is going to come from, so you are getting the best of both worlds. You know, you are going to be able to be a big guy to the railroads and say, we are going to help you out here, but you aren't having to face up to the responsibility of where the money is coming from, you are going to put that onto the 108th.

I would say this to you, that if you really feel that this is a hardship case and these railroads need this money and that you

want to give them a \$150,000 tax break, then, amen. You certainly have that power but I ask you to have the courage also to face up to the proposition of where the money is going to come from and not flush out and let the 108th do it, because I think that is a very hokey approach to this problem.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I seem to be on my feet a lot this morning, but I have to agree with the gentleman from Pittsfield. I voted with this bill the other day when we were taking a responsible approach. We were passing legislation that required a loss of revenue and we were going to follow along the fiscal responsible lines to do this, now I find this morning that we want to put a fiscal responsibility on the 108th Legislature with legislation we would be passing this morning. That is highly irresponsible. If the 108th Legislature wants to grant this to the railroads and pay for it, that should be their prerogative, but why or how can we in the 107th pass legislation that then will be the responsibility of the 108th. It is highly irresponsible.

We talk and talk about fiscal responsibility and then this morning, through the action of some of the more conservative and fiscally responsible people in this House, try to pull a trick, a trick like this. I think it is deplorable.

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

Mr. SUSI: Mr. Speaker, I move the indefinite postponement of House Amendment "A".

The SPEAKER: Mr. Susi of Pittsfield moves the indefinite postponement of House Amendment "A". The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 31 in the negative, the motion did prevail.

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

Mr. SUSI: Mr. Speaker, a parliamentary inquiry? Is the motion to indefinitely postpone the bill in order at this time?

The SPEAKER: The Chair would answer in the affirmative.

Mr. SUSI: I so move.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, now moves the Bill and all its accompanying papers be indefinitely postponed.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: It seems that this morning we have before us a battle that has been handled and when the bill itself was debated for quite a few minutes on the floor when the only thing before the House was the amendment and that is the only thing that should have been debated at this time, but I do notice from a government paper that I have here in my hand and many of you have it on your desks, it is the Dateline from Washington. Just two weeks after the approval of a \$6.4 billion authorization for the government's consolidated railroad corporations, Congress was asked to add a \$110 million to the original fund, which would be \$6,510,000 that is given to railroads in the United States and none of it comes into the State of Maine, not one penny of it comes into the State of Maine. Here we are right here today arguing because the

Maine Central wants a little kickback of \$67,174 and all over the state, the actual figures for the state for 1975 would have been \$143,000. I think it is ridiculous.

We have railroads in the State of Maine who are financing themselves and trying to do a good job and here we are refusing them a little item like this. It is not based on profit, it is based on the amount of business they do, which is very unfair. I hope this morning you will vote against the motion to indefinitely postpone this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Not to be redundant, I voted for this legislation the other day but I can't see giving them something and not taking the responsibility of trying to find out where the money is coming from, that is my only objection to this whole thing. The concept is great. I am in favor of it, but I say, let's determine where the money is going to come from. I was perfectly willing for it to go to the Appropriations Table and voted for that but then you come back with a sham to hedge the whole bit, and that I am opposed to, so I do hope you indefinitely postpone this, and in the 108th Legislature, when they take up the matters that they want to finance, they may take this matter up along with them.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It seems that I have been debating this bill for two years, and I have the greatest respect and admiration for my good friend from the other end of this aisle, but for some reason, we don't want to keep our railroads solvent in this state. Maybe we should put more tax on the railroads, maybe we should put more tax on them and we should all serve for nothing. Maybe we should put more taxes on them so they could pay for our welfare and giveaway programs that we vote on. Nobody questions where the money comes from there. All you want to do is say, we will give it to the social programs, we don't care where it comes from. That is all I have heard since I have been up here and I am guilty as any of you, because I vote for social programs as much as any one in this House. But I think we have a railroad in this state that is solvent, we should do something to help this railroad and if we can do it within our powers to keep them serving industry, and we have four in Westbrook that need the railroads, they ship by rail, it keeps people working and for \$150,000, it doesn't amount to as much as -----

The railroad, and it is stated right in the bill before us, and the good gentleman from Auburn brought this up, they have to make 5¼ percent on their investment. I know companies in this state that make a lot more than that on their investments but nothing is ever said about them because they don't help, they are robbing the people every day, so they don't need any help from the legislature. But we have a situation before us today that if we can help them to keep going, to take them off from welfare, keep them so that the government doesn't have to give them money, maybe we should tax them more, maybe we should put them right out of business. Probably that is what the majority of the people of this state would like to see anyway; that we don't have any railroads at all. We need the railroads in this state and we need it for businesses, we

need it for the industries that supply the state, we all don't live out in rural Maine, some of us come from cities where it is important to have a railroad, where working people need the railroads and we need the railroads in Westbrook because they serve four industries.

If it was for just the high mucky-mucks and the big shots, fine and good, tuck it right to them, let's take every penny they have, but it is not that, you are looking at a different issue. We are looking at a solvent railroad and this state needs these railroads. We don't want to shut the railroads down and if we can do anything at all to help them, fine and good.

I know situations on welfare where the man is drinking beer all day and living with a woman at night and the state picks up the tab and nothing is ever said about that, we don't care where that money comes from, we will find it. Well, now let's do something for industry in this state, let's help the railroads. You are right, I have said enough.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I received a note and it asked, what is the present status on this bill? You know, we had one amendment, Committee Amendment "A" before us, which would have accrued \$150,000 tax benefit to the railroads for this year, 1976; we had another amendment, House Amendment "A", which would have accrued no benefit to the railroads this year but an estimated \$150,000 next year, that was killed. So both of those amendments are off. The present effect of the bill is that there would be about \$50,000 benefit accrued to the railroads this year and then go to the full schedule of \$150,000 next year and in that connection, Mr. Speaker, I ask this parliamentary question — don't we have in our rules a provision that when the effect of a bill is to reduce revenue or cause an expenditure to the state, that that bill shall require a fiscal note?

The SPEAKER: The Chair would answer in the affirmative. If the motion to indefinitely postpone does not prevail, the bill will have to be tabled pending an amendment.

Mr. SUSI: Mr. Speaker, I have such an amendment prepared.

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

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: Things don't look too good for the railroads today and I am afraid that when we come back, if we are all still here, that the 115th Legislature will find a study order which has a fiscal note of \$100,000 which asks us to study the feasibility of railroads for transportation.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: While it is all fine to provide help to railroads, even though I don't think it is ailing as some people would suggest, considering all the capital expenditures that they have been making, we also have to consider what help we are going to give the people of Maine who will have to help the railroads, it is not free money, there is no free lunch and just looking over the tax tables, at least for most people in Maine who are married couples earning \$10,000 or less, let's say, and those people are paying around \$78, as I understand it, in income

taxes, that would take almost 2,000 of those people's income tax returns to the state, 2,000 families I should say, nearly 4,000 people, just to help out the struggling railroads. What about the struggling families that have to pay that tax? It would be about 1,000 families if we are just talking if we get up around the \$14,000 or \$16,000 income range, so there is no free lunch and what we are saying is, in order to support and give aid to an ailing railroad, we are going to take money from ailing taxpayers.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to comment on Mr. Finemore's remarks in regard to the federal money. He is absolutely right. The federal money didn't come to the Maine railroads and there is a reason for this, and that reason is that the Maine railroads are already in good shape. This money went to railroads out-of-state that were in bad shape. I urge you to vote for postponement.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I feel a little bit like Mr. Laffin did on the telephone bill. I really have nothing against the railroads but I am going to ask to indefinitely postpone this bill today. My reasons are that this is really a one-shot thing, it is set for the railroads and only the railroads. I say, why not set it for all industries? If we want to give the State of Maine's economy a boost, why not set a mandatory or a minimum return on investments that every industry in this state must meet.

In the last couple of years, I am sure that there were other industries, such as construction, road building and whatever the case might be, that have been hurt extremely bad by the turn around in the economy and yet we do not see any bills in here to guarantee them a rate of return of 5/4 or 5 3/4 percent. I think if we are going to pass legislation like this, then we should consider passing the same sort of legislation for all industries in the State of Maine and maybe then we can get a heck of a lot more industry into this state, as the Governor so desires. If we are going to write laws to subsidize someone, let's not use the backdoor approach, let's use the front door and put it on the Appropriations Table, if that is what you want, and let it stand its own course with the rest of the legislation that we hear, but I don't think that this piece of legislation is proper at this point in time and I hope you would vote to indefinitely postpone.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think this morning I heard a statement made that really took the wind right out of me; because I didn't think the situation had changed economically so fast in the State of Maine or in the country as they have changed in the State of Maine according to the statement within less than a week's time. I am referring to the statement made by Mr. Henderson. Where are we going to get the money to give the railroads their tax break? I am sure he said, I won't say I think, I will say I am sure he said, "it is going to come from the income tax."

Last week we were told on this very floor

that the income tax, if it were passed to fund the education bill, would not affect the majority of the working people in this state, it would only take it from the fat cats. If this money were coming from the income tax to fund the railroads, it is not coming from the majority of the workers in this state, because they are not paying any income tax, they weren't last week, unless they got a tremendous increase in their pay since we have left here and come back, which I don't think my people have. That is not a valid argument as far as Mr. Henderson is concerned.

I am sure we will get more money coming into the state if we keep the railroads operating. If we keep the railroads operating in an efficient manner, they will create jobs, they will be able to serve industry, they will be able to branch out and serve new industry as well as existing industry, and that will create a larger payroll and bring more money into the state.

I don't think it is right that every time a bill comes along to help industry to try to kill that bill, but every time a spending bill comes along, we use the same argument and try to pass a spending bill and I would hope today that we did not indefinitely postpone this bill.

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: The other day I spoke for this railroad bill and thought that perhaps the railroads needed a little fair play from this legislature. Today, I am going to quote: It used to be, "as Maine goes, so goes the nation;" right now, if we knock this railroad bill, it will be, "as the nation goes, so goes Maine."

Mr. Higgins of Scarborough 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 Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, I would like to pair with the gentleman from Orono, Mr. Davies. If we were voting, he would be voting yes; I would be voting no.

The SPEAKER: The gentleman from Waterville, Mr. Pierce, wishes to pair his vote with the gentleman from Orono, Mr. Davies. Mr. Davies would be voting yes and Mr. Pierce would be voting no.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Pittsfield, Mr. Susi, that L. D. 2179 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Burns, Carter, Chonko, Churchill, Clark, Connolly, Cooney, DeVane, Doak, Dow, Durgin, Fenlason, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Hall, Henderson, Higgins, Hobbins, Hughes, Jackson, Jacques, Jensen, Joyce, Kennedy, LaPointe, Laverty, Leonard, Lewis, Lizotte, MacEachern, Mackel, Martin, R.; McKernan, McMahon, Mitchell, Morin, Nadeau, Norris, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, T.;

Post, Powell, Quinn, Saunders, Shute, Silverman, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Tyndale, Wagner, Wilfong, The Speaker.

NAY — Albert, Bagley, Bennett, Berube, Boudreau, Bustin, Byers, Carey, Carpenter, Connors, Cote, Cox, Curran, P.; Dam, Drigotas, Dudley, Dyer, Farley, Farnham, Finemore, Fraser, Gould, Hennessey, Hewes, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Kany, Kauffman, Kelleher, Kelley, Laffin, LeBlanc, Lewin, Littlefield, Lovell, Lunt, Lynch, MacLeod, Mahany, Martin, A.; Maxwell, McBrearty, Mills, Miskavage, Morton, Najarian, Palmer, Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Smith, Snow, Torrey, Twitchell, Usher, Walker, Webber, Winship.

ABSENT — Bowie, Call, Carroll, Curran, R.; Curtis, Gauthier, Greenlaw, Jalbert, Mulkern, Rolde, Spencer, Talbot.

PAIRED — Davies, Pierce.

Yes, 73; No, 63; Absent, 13; Paired, 2.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-three in the negative, with thirteen being absent and two paired, the motion does prevail.

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

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

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that we reconsider our action whereby this bill was indefinitely postponed. Those in favor will say yes; those opposed will vote no.

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

Sent up for concurrence.

On motion of Mr. Lynch of Livermore Falls, by unanimous consent, the House voted to take from the table the first tabled and unassigned matter:

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

Tabled — February 13 by Mr. Rolde of York.

Pending — Passage to be Enacted.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I ask that this be tabled unassigned and the Attorney General's Department, three or four of them down there have looked at this carefully and say that there are no constitutional problems and it would not interfere with the school funding bill.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think an explanation might be in order of the content of this bill.

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This is a piece of legislation that I introduced, and I will try to give you the background of it. If I get in trouble, I am sure the gentleman from Livermore Falls, Mr. Lynch, can give me a hand.

What essentially happens is, at the

present time under the law, you really have two parts to the educational funding law. You have a tax which is paid into the state and then you have a refund or a subsidy payment which comes back. What happens essentially is, you send into the State of Maine — and I can use my own town as an example — East Millinocket sends to the State of Maine, on or about the 15th of the individual month, \$59,000, and it is supposed to be in there somewhere between the 15th and 20th of the month. On or after the 25th of the month, then the Education Department authorizes the State Treasurer to pay to the Town of East Millinocket \$61,000. So in essence, it is \$59,000 of money that is just laying in transit for ten days. In many cases, this creates a financial problem to the individual towns.

We talked about the possibility of using a credit voucher of some sort. The Attorney General rules that although it was a practical idea, it was impossible to be done by the law and some authorization would have to be done in order to allow this to be accomplished.

We talked to the State Treasurer and he feels that basically the idea is a good idea. The Department of Education completely endorses it, because it does relieve some responsibility to the individual towns in having to have money available, extra money available.

This bill actually allows an individual community — the Town of East Millinocket can send to the state a voucher and the treasurer will draw up the necessary implementing papers and they will send to the state a voucher for the \$59,000 on or about the 15th of the month. The 25th of the month, the State Treasurer will send to the Town of East Millinocket a check for \$2,000. You won't have this money laying in transit.

Actually, the Maine Municipal Association has endorsed this and they indicate it could result in an overall savings to the towns of some \$600,000 because of the money they might have to borrow to have this revenue available for transfer and the interest costs could run as high as \$600,000. So I frankly think that it is a piece of legislation that could be of value to every community in the state.

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.

A vote of the House was taken.

Whereupon, 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 in favor of 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 will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.;

Dam, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenslon, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Henderson, Hennessey, Hewes, Higgins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Lavery, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McBreairty, McKernan, McMahan, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Tyndale, Usher, Walker, Webber, Wilfong, Winship, The Speaker.

ABSENT — Albert, Bowie, Call, Carroll, Curran, R.; Curtis, Davies, Faucher, Gauthier, Greenlaw, Hall, Hinds, Hobbins, LaPointe, Littlefield, Maxwell, Mulkern, Rolde, Spencer, Talbot, Twitchell, Wagner.

Yes, 129; No, 0; Absent, 22.

The SPEAKER: One hundred twenty-nine having voted in the affirmative and none in the negative, with twenty-two being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

The following emergency enactor appearing on Supplement No. 1 was taken up out of order by unanimous consent: An Act to Correct and Clarify the Maine Banking Code (S. P. 650) (L. D. 2057) (C. "A" S-417)

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

(Off Record Remarks)

On motion of Mr. Pierce of Waterville, Adjourned until ten o'clock tomorrow morning.