

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Friday, March 19, 1976

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

Prayer by Father Rudolph LeVeille of Hallowell.

The journal of yesterday was read and approved.

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

Mr. LAFFIN: Mr. Speaker, I would like to move that we adjourn until 11 o'clock Monday morning.

The SPEAKER: The Chair will order a vote. All those in favor of the House standing adjourned until 11 o'clock Monday morning will vote yes; those opposed will vote no.

A vote of the House was taken.

5 having voted in the affirmative and 92 having voted in the negative, the motion did not prevail.

#### Papers from the Senate Report of Committee Leave to Withdraw

Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Resolve the Deficit in Education Funding for the Fiscal Year 1975-76" (Emergency) (S. P. 656) (L. D. 2082)

Came from the Senate with the Report read and accepted.

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

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation in the Department of Audit, and of Employees of the Fraud Investigation Division in the Department of Audit" (H. P. 1992) (L. D. 2174) which was passed to be enacted in the House on March 16, 1976.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mrs. BERUBE: Mr. Speaker, I move that we recede and concur.

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

Mr. FARLEY: Mr. Speaker, I move this be tabled for two legislative days.

Whereupon, Mrs. Berube of Lewiston requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Farley, that this matter be tabled for two legislative days pending the motion of Mrs. Berube of Lewiston to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Farley of Biddeford requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Farley, that this matter be tabled pending the motion of Mrs. Berube of Lewiston to recede and concur and specially assigned for Tuesday, March 23. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bennett, Berry, P. P.; Blodgett, Burns, Carpenter, Carroll, Carter, Conners, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Dyer, Farley, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, K.; Gray, Hall, Hennessey, Higgins, Hobbins, Hughes, Ingegneri, Jacques, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Leonard, Lewis, Lizotte, Lovell, MacEachern, Mackel, McBreairty, McMahon, Mills, Miskavage, Mitchell, Nadeau, Pearson, Plesosi, Peterson, P.; Pierce, Post, Rolde, Shute, Spencer, Sprowl, Stubbs, Talbot, Tierney, Tozier, Truman, Twitchell, Usher, Wilfong, Winship.

NAY — Ault, Bachrach, Bagley, Berry, G. W.; Berube, Boudreau, Bowie, Byers, Call, Churchill, Cote, Doak, Dow, Drigotas, Durgin, Farnham, Finemore, Gould, Greenlaw, Henderson, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, Lewin, Littlefield, Lunt, Lynch, MacLeod, Martin, A.; Maxwell, McKernan, Morin, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Powell, Quinn, Raymond, Rollins, Saunders, Silverman, Snow, Snowe, Strout, Tarr, Teague, Theriault, Torrey, Wagner, Webber.

ABSENT — Birt, Bustin, Carey, Chonko, Clark, Dudley, Gauthier, Goodwin, H.; Hewes, Jalbert, Mahany, Martin, R.; Mulkern, Norris, Peakes, Peterson, T.; Rideout, Smith, Susi, Tyndale, Walker.

Yes, 72; No, 57; Absent, 21.

The SPEAKER: Seventy-two having voted in the affirmative and fifty-seven in the negative, with twenty-one being absent, the motion does prevail.

#### Study Report Performance Audit

Mrs. Berube from the Committee on Performance Audit to which was referred the study relative to Annual Adjustments in the Standard of Need for Families receiving Aid to Dependent Children, pursuant to H. P. 529 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Require an Annual Adjustment in the Standard of Need for Families Receiving Aid to Dependent Children" (H. P. 2093) (L. D. 2252) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted.

The SPEAKER: The pending question is, shall this Bill be referred to the Committee on Performance Audit.

The Chair recognizes the gentleman from Auburn, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I would like to move that we indefinitely postpone this bill.

Mr. Connolly of Portland requested a vote on the motion.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill from the Performance Audit Committee, which

Mrs. Berube is House Chairman of and I am a member of, and this bill was reported out by the committee and then found to have a price tag of \$770,000 per year, so the committee decided this bill should be indefinitely postponed, since this session of the legislature cannot afford this particular appropriation and there is a similar bill on the calendar a little later on, a very similar bill, which takes care of this situation, page 4, item 4.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mrs. Berube, that this Bill be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

106 having voted in the affirmative and 10 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### Orders

Mr. Leonard of Woolwich presented the following Joint Order and moved its passage: (H. P. 2215)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Circus Fans Association of America Celebrating Fifty Years of Support of the Circus as a Form of Entertainment

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

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

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

Mr. Theriault of Rumford presented the following Joint Order and moved its passage: (H. P. 2217)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Panthers of Rumford High School and Their Coach, John Shaw, State Basketball Champions for 1976

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

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

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

#### Tabled and Assigned

Mr. Wilfong of Stow presented the following Joint Order and moved its passage: (H. P. 2216) (Cosponsors: Messrs. Martin of Eagle Lake, Carey of Waterville, Mackel of Wells)

ORDERED, the Senate concurring, that the Joint Standing Committee on Reference of Bills shall report out, no later than March 22, 1976, "An Act to Facilitate the Setting of State Financial and Tax Policy by the Legislature"

The Order was read.

The SPEAKER: The Chair recognizes

the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to oppose the passage of this order directing the Joint Standing Committee on Reference of Bills to report out this bill no later than March 22. I do so with a bit of hesitancy, realizing full well that those who want this order passed have put a great deal of time and thought into the content.

But I call your attention to the fact that we are here, maybe for two weeks more. A bill of this magnitude is going to require a great deal of time, as it does in many respects change, if it should pass, many of the age-long methods which we have used in this legislature for developing budgets.

More than that, however, I oppose it on the basis and the fact that we have going in this House at the present time a study, which I am sure all of you have received from the Speaker and from the President of the Senate, questionnaires to be filled out. I think you all have it on your desks, have received it within the last few days. The National Conference of Legislative Leadership is here studying the inner workings of the Maine Legislature on a study order which is costing us, the share of the legislature is costing us \$8,000 a year. A gentleman by the name of Mr. Lakis is here to perform the study and then make recommendations. And if you will look at the questionnaire which you were all asked to fill out, you will find it on page 12 of that questionnaire, there is a question concerning, in your opinion, is there a need for considerable improvement in the legislature's handling of the budget and appropriation bills?

With a study of this magnitude going on at a substantial cost to this legislature, it would seem to me only logical that this order should wait at least until we see what the study order is going to produce. We are working on it; it is sincerely being attempted by this gentleman from the National Conference of Leaders. It would seem to me that this is redundant at this time to pass an order of this kind, especially at this very late day in the session, so I oppose passage of this order.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending passage and specially assigned for Monday, March 22.

#### House Reports of Committees Leave to Withdraw

Mr. Burns from the Committee on Legal Affairs on Bill "An Act Relating to Disclosure of Consumer Reports" (H. P. 2123) (L. D. 2272) reporting "Leave to Withdraw"

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This was the result of a study we made this summer. When we went into public hearing, we found there were some errors with some legislation being prepared here in this legislature as well as the federal government, so we are taking leave to withdraw on this and will address it again this summer and come back with it in the 108th.

Thereupon, the Report was accepted and sent up for concurrence.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act

Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites" (Emergency) (H. P. 1948) (L. D. 2134) reporting "Ought Not to Pass"

Report was signed by the following members:

Messrs. WYMAN of Washington  
O'LEARY of Oxford

— of the Senate.

Mrs. HUTCHINGS of Lincolnville  
Messrs. McBREAIRTY of Perham  
CHURCHILL of Orland  
DOAK of Rangeley  
WILFONG of Stow  
CURRAN of Bangor

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-993) on the same Bill.

Report was signed by the following members:

Mr. TROTZKY of Penobscot

— of the Senate.

Messrs. PETERSON of Windham  
AULT of Wayne  
BLODGETT of Waldoboro  
HALL of Sangerville

— of the House.

Reports were read.

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

Mrs. BACHRACH: Mr. Speaker and Members of the House: I would like to ask that this be tabled for one day because the chairman of the committee is not present in the House and I know that he intends to explain and support the bill.

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

Mr. DOAK: Mr. Speaker, I move acceptance of the Majority Report.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending the motion of Mr. Doak of Rangeley to accept the Majority "Ought Not to Pass" Report and specially assigned for Monday, March 22.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Liquor Control on Bill "An Act Relating to Location of State Liquor Stores" (H. P. 1805) (L. D. 1964) reporting "Ought Not to Pass"

Report was signed by the following members:

Messrs. CARBONNEAU of Androscoggin  
GRAFFAM of Cumberland

— of the Senate.

Messrs. PERKINS of Blue Hill  
RAYMOND of Lewiston  
TWITCHELL of Norway  
DYER of South Portland  
PIERCE of Waterville  
MAXWELL of Jay  
JACQUES of Lewiston

— of the House.

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

Report was signed by the following members:

Mr. DANTON of York

— of the Senate.

Messrs. IMMONEN of West Paris  
LIZOTTE of Biddeford

— of the House.

Reports were read.

On motion of Mr. Maxwell of Jay, tabled, pending acceptance of either Report and specially assigned for Monday, March 22.

#### Divided Report

Majority Report of the Committee on Energy on Bill "An Act to Increase the Excise Tax on Motor Vehicles According to Their Consumption of Gasoline" (H. P. 2078) (L. D. 2241) reporting "Ought Not to Pass"

Report was signed by the following members:

Messrs. ROBERTS of York  
CIANCHETTE of Somerset  
TROTZKY of Penobscot

— of the Senate.

Mrs. DURGIN of Kittery  
Mrs. BYERS of Newcastle  
Messrs. JACKSON of Yarmouth  
TORREY of Poland

FARLEY of Biddeford  
GREENLAW of Stonington  
KELLEHER of Bangor  
BENNETT of Caribou

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-995) on the same Bill.

Report was signed by the following members:

Messrs. CONNOLLY of Portland  
DAVIES of Orono

— of the House.

Reports were read.

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

Mr. FARLEY: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

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

Mrs. NAJARIAN: Mr. Speaker, I move that this be tabled for one legislative day, pending the motion of the gentleman from Biddeford, Mr. Farley, that the House accept the majority "ought not to pass" report.

Mr. Kauffman of Kittery requested a vote on the motion.

The SPEAKER: Mr. Kauffman of Kittery requested a vote on the tabling motion. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Najarian, that this matter be tabled pending the motion of Mr. Farley of Biddeford to accept the Majority "Ought not to pass" Report and specially assigned for Monday, March 22. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bachrach, Bennett, Blodgett, Boudreau, Carey, Carrall, Carter, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Drigotas, Farley, Faucher, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jacques, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lizotte,

MacEachern, Mahany, McKernan, Mills, Mitchell, Nadeau, Najarian, Pearson, Pelosi, Post, Powell, Quinn, Rolde, Snow, Spencer, Sprowl, Talbot, Tierney, Torrey, Truman, Twitchell, Usher, Wagner, Wilfong, Winship.

NAY — Ault, Bagley, Berry, G. W.; Berry, P. P.; Berube, Bowie, Burns, Byers, Call, Carpenter, Churchill, Conners, Cote, Curtis, Doak, Dow, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Garsoe, Gould, Gray, Hall, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, Mackel, MacLeod, Martin, A.; McBreairty, McMahon, Miskavage, Morin, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rollins, Saunders, Shute, Silverman, Snowe, Strout, Stubbs, Tarr, Teague, Theriault, Tozier, Walker, Webber.

ABSENT — Birt, Bustin, Chonko, Clark, Gauthier, Hewes, Jalbert, Martin, R.; Maxwell, Mulhern, Norris, Peakes, Peterson, T.; Rideout, Smith, Susi, Tyndale.

Yes, 64; No, 69; Absent, 17.

The SPEAKER: Sixty-four having voted in the affirmative and sixty-nine in the negative, with seventeen being absent, the motion does not prevail.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped that we could have postponed this until Monday so that we don't keep anybody here while the snow is going on, but it looks like you want to take care of this once and for all.

The ancient Greeks had a way of dealing with messengers who brought them bad news, they generally executed them. I hope you will be a little bit more charitable with me today, though I recognize your feelings quite clearly.

The reason why this bill is before you today is not for its passage, because I recognize that it is never going to occur. The reason that it is before you and the reason that I signed it out is so that we can talk about a subject that is absolutely crucial, that this legislative body has simply failed to deal with either in the regular session or the special session and that subject is energy conservation.

Forty-two percent of the energy that is utilized in this country is dedicated to the transportation industry, whether it be the fuel that goes into an automobile or the energy that is used to remove iron from the ground and to refine it to make the finished product of an automobile or it goes into building a road for the cars to drive on — 42 percent of our total energy goes into Transportation. Scientists tell us that we have, perhaps, 25 to 40 years of reliable fuel supplies left in the world. When they run out your cars are going to stop dead as a doornail. You have two options. You can continue as you do, driving your big cars that waste gasoline, that waste energy in construction, to waste energy in the construction of roads or you can find some way to conserve some of this energy, to stretch out the amount of time that we have to discover some other source of energy that is more reliable; more long-termed, less damaging to the environment. That is the choice that you face, that is the choice that is before you. It is not a perfect bill, it has many flaws in it, I have told every person that has written to me the same thing, but I want you to think about this issue. I want you to think about

it seriously and I want you to go back and talk to your constituents. Hopefully, a number of you will be returning in the 108th and hopefully you will have some idea of what they are willing to accept. Obviously, this bill is not what they are willing to accept but something has to be done.

If this legislature shirks its duty, then it is on our shoulders when the cars stop rolling. You may laugh, you may say, well, that is far down the road. Some of you people may not be here when that day comes but I will be, so will a number of you. What are you going to say to people? What are you going to say to them when they run out of gasoline and their cars set in their yards and they have no mechanisms to get anywhere? Gee, I should have thought about it then. I really am sorry about that. What are you going to tell them?

The bill before you proposes one step, what I think is one big step in the right direction. Since 42 percent of our energy goes into transportation, that is the chunk that we should look at first for conservation purposes. The scientists tell us that we have the technology now, if our automobile manufacturers would utilize it, rather than put it on the shelf like they have for the last 15 years. We have the technology to run your Buicks, to run your Cadillacs, to run your Chryslers and get better than 20 to 25 miles per gallon, but your manufacturers are not doing it. The reason that they are not doing it is because the government is not putting any pressure on them.

The federal government has failed, it has failed miserably. The energy bill that was passed is a compromise that has more flaws in it than it has good points, so what I am asking you today is to stand up where your federal legislators have sat down, have turned their backs on the issue.

If we can cut back our energy consumption in gasoline by 2 percent, that is a major step in the right direction because right now, before the energy crisis, we were increasing our energy consumption each year by 5 percent. During 1973, in the energy crisis, we reduced that, we showed that we were capable of doing it when we were under the gun, but when the visible signs of the energy crisis disappeared, there were no more long lines at the gas stations, people started forgetting about it. Oh well, that is a problem that we will deal with somewhere down the road. Well, somewhere down the road is going to be a stalled car with no energy to go anywhere.

The bill that I proposed would reduce gasoline consumption in this state by 2 percent a year rather than increasing it 5 percent a year, a difference of 7 percent. Figure out what 7 percent is over 15 years. That is millions and millions of barrels of oil in this state alone. I ask you to consider this very seriously.

Look at the bill before you because it is not the same you have heard about on the radio and television the newspapers and some of your constituents. Not only is this an important bill, it is probably the most misunderstood bill that this legislature has had this session. This bill applies a tax surcharge, a one-time-only surcharge, which means that when a car is purchased new, that first year when it is new, you would pay this tax, after that, it would have no application whatsoever. It will only apply to cars purchased new after the effective date of the legislation. Therefore,

no used cars, no new cars currently on the road would be touched by this one iota.

The table by which the tax would be applied has been reduced, it does not apply to cars with a capacity of over 8 passengers, leaving out large station wagons. It doesn't apply to buses, it doesn't apply to mobile homes.

It applies to passenger cars and passenger cars alone. The level of gasoline mileage is determined by the Environmental Protection Agency's combined figures of city and highway driving. By their figures, 80 percent of the automobiles purchased new in Maine during 1975 would not be touched by this tax whatsoever. One in five cars will have this tax applied to them and most of them, 20 percent, would fall in the uppermost brackets that would be taxed, perhaps, \$100. It is only the most serious offenders, the real gas guzzlers, the gas pig that is getting 6 and 8 miles a gallon that is going to get socked by this bill. Why shouldn't it? There is a limited amount of fuel in this world and each one of us would like to have our share of it to get around, to do our jobs, to do our grocery shopping, to take our kids to schools and do the various things we need it for. Each day, when you are driving a car that is relatively efficient, in my case, I have a car that gets 28 miles to a gallon, if someone driving down the road is getting 12 miles per gallon, then he is using some of my fuel, some of my supply of fuel that is left, I resent that. We are going to have to do something about it sooner or later. If we do it sooner, it is going to be a lot easier than if we have to do it 15 years from now when we may have orders come down from our federal government saying, you have to cut your fuel consumption in half, not 2 percent but 50 percent. Now, think of what your constituents are going to do then. How are you going to make an adjustment of 50 percent? It is impossible. The people in this state could not make a 50 percent reduction in their fuel consumption in a year, it is impossible. Think about that.

I know that you are going to kill this bill, I don't hold it against you. It has a lot of flaws and if I wasn't the sponsor of it I probably would be voting against it myself. The fact of the matter is that we have to deal with this issue and we have to deal with it soon, so I urge you, before you kill this bill, for just a brief moment, let the thought twinkle in the back of your mind that maybe there is something down the road that we can do that will serve the purpose a little bit better than this bill but does attempt to deal with the problem of energy conservation.

I leave you with your very tough, difficult decision. I hope you exercise your judgment wisely.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I cannot compete with Representative Davies on his speech; however, I would like to enlighten you that a bill was signed into law nationally by President Ford on December 22 and it is a mandatory Automobile Fuel Economy Standards Act. In 1978, all cars will be required, the manufacturers, for 18 miles to the gallon and then it goes on, 1979, 19 miles; 1980, 20 miles, etc.

I wrote to the Attorney General and asked for an opinion on this bill, which I thought was discriminatory to large car owners. His opinion came back to me that

it was strictly constitutional. However, in this bill it excluded certain types of vehicles, including station wagons, etc. But, you can go out here today and buy a Cadillac and get 16 miles to the gallon. I can go out and buy a Chevrolet Blazer, which is classified as exempt in this act, which gets 8 miles to the gallon, but that is exempt.

This is a discriminatory bill and, personally, I think it came out of the Energy Committee because they came down here all summer and did nothing at the taxpayers' expense and that is the only bill that they could provide. I think it should not have been allowed in the first place, and I hope you will vote "ought not to pass."

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I assure you of one thing, I do agree with many of the statements that Mr. Davies made this morning. I think if the Representative from Kittery, Mr. Kauffman, had been there, the few seminars that I have attended, that the problem that Mr. Davies is trying to solve here is a very, very real one. As Mr. Davies mentioned, we have to confront this sooner or later.

However, this piece of legislation here was given a thorough study by the Energy Committee. It was the product of a study order here in this House in the regular session of the 107th; there was a minority report on that study order by Representative Davies and Representative Connolly who requested the committee to report out a bill. The committee agreed that the subject matter in this bill here was important enough to bring to the floor of the House. I also agree that it is important enough. However, the legislation itself, what they are trying to do is get the people in the State of Maine, when you purchase a car in the future, to move to a smaller car which consumes less gasoline. The problem with that is that the smaller car carries less passengers, so the savings realized by the small car per passenger mileage may not be that large a factor. Secondly, the committee did consider the safety problem with the smaller car, one more problem with this piece of legislation here.

What this bill is intended to do, and it should carry with it a financial or fiscal loss of funds because if we do, in fact, use less gas, there are less revenues coming into the State of Maine, which again, dedicated revenues would affect revenue monies into the Department of Transportation fund.

I would hope that we would accept the Majority "Ought not to pass" report this morning.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, having been in the gasoline business nearly all my life, I know something about it and let me tell you, I have a lot of Cadillac customers that get 18 miles to the gallon and I got some people there with very small cars and they are in very poor shape and they get 6 and 8 miles to the gallon.

The condition of the car and the way it is kept generally governs the mileage more than the size of the car and apparently nobody on this committee took this into consideration. You can ask anyone that has been in the gasoline business a long

time and you will find out that what is wrong with cars is not necessarily the size of them, it is the condition that the car is kept in. Most people who own an old jalopy with an improper carburetor repair and never had plugs or points and all these kinds of things, the gas runs through them and some of them even have gas tanks leaking, this is what consumes gas.

Generally speaking, the customers that trade at my place, a man with any kind of a car, whether it is a good, big car or a small car and it is well kept, it gets good mileage. These cars that are burning up gas are the cars that are not properly cared for. It can be a very small car, especially a car like Blazer, any of those in my area, they are small vehicles with four wheel drive, they get about 8 miles per gallon, some of them just 6, if they are poorly cared for. The problem isn't the size of the car, I can guarantee you.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Orono, Mr. Davies, for bringing this matter to our attention this morning. I might point out that Mr. Davies represents the Island part of Orono and I think his posture in this bill, probably reflects that in his outlook this morning. However, I think that the matter is a major thing. If the Energy Committee can bring this thing to our attention and remind us that this is a pressing problem, if nothing else happens to this bill, this has had a good effect.

I serve on the Governor's Advisory Committee on Energy representing this body, and our committee shares many of the same concerns that the Energy Committee shares along this line. What are we going to do with our fossil fuels, how can we best allocate those over the next decade or two until we can find alternates for them?

If I felt that this bill was the proper opening way to address the problem, I would support it. Unfortunately, I feel that I am going to have to vote against this bill because I think it does pick out a single item in the total energy picture, total fossil fuel picture, and we really should be addressing the consumption of home heating oil, many other areas in addition to that consumed by pleasure vehicles, partly pleasure vehicles, partly necessary in this rural state with no effective public transport system. We should have to look at whether a car gets 28 miles per gallon and can haul two, three, or four people, a person with a family of six or eight people and has to run two of them, is his total annual consumption of fuel more than the small car?

The problem properly should be addressed, I suppose, at the federal level. It has not been, the energy picture has not been given the proper attention at the federal level nor at the state level, I suppose.

I would hope that this bill would bring the seriousness of this matter to our attention. I commend the Energy Committee and Mr. Davies for bringing it to our attention. I regret I have to vote as I do on it.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I think the problem that Mr. Davies has brought to our attention is a very serious one. In the future we probably will have to look up to this problem, but at the present time, the

books that are provided to the excise tax collector provide for what the size of the horsepower motors these cars have installed in them, but it doesn't refer to the gas mileage and also wouldn't refer to whichever model it is, whether it is a station wagon or a small coupe or what. I know two different cars with a 318 motor, one will get about five miles more a gallon, and it would be very difficult at the present time for excise tax collectors to enforce anything of this kind. Most of these, they may be reelected annually, whenever they happen to come up for reelection and they would be changing continually unless there was some uniformity to the method of collecting this.

Also, it is very poor for the economy of our state at this time, due to cutting down on sales tax, gas tax, which keeps our Highway Department going, and at the present time the excise tax is collected on a 24 mill basis. If you buy a \$12,000 vehicle, you can figure the amount of sales tax very easily by taking 90 percent of the price of that vehicle and multiply that figure by 24 mills and you will come out with around \$259 you would pay on a \$12,000 vehicle, whereas on a \$3,000 vehicle, you would come out to around \$64.80 on that type vehicle.

If anyone really wants to save on gas consumption, I think they will purchase a smaller vehicle, which isn't very comfortable for some people. I can see several sitting in the House, myself included, some of these are quite uncomfortable to ride a long distance in, and I think if they are sacrificing their dollars, we hadn't ought to interfere at this time. But I do think that in the future we will have to look up to this problem but we would have to have more information provided to the local tax collectors.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to take a lot of time debating this bill, but I was one of only two members of the Energy Committee that signed this bill out "ought to pass." I am not the sponsor of the bill and I still voted for it, and I think it is at least a decent attempt to attack the problem.

Let me show you how my reasoning worked with this whole matter. You have to begin with the assumption that there is an energy crisis and we are only at the beginning of the energy crisis, and that is going to get worse and worse and worse as time goes by. There really isn't any federal plan, let alone a state plan, to begin to deal with that, so you put in piecemeal kinds of legislation to attack the problem here and there. Granted, this bill is one kind of piecemeal legislation.

But the main objection to this bill seems to come from the sellers of big cars and the owners of big cars, and they claim it would be discriminatory against them and against their businesses. But the problem really isn't the big car owners, it is the manufacturers of big cars, it is the automobile industry in Detroit.

I went around and talked to a number of people who were familiar in varying degrees about the automobile industry and how it works when I was preparing for this bill, and it was very clear to me, and it seemed to be the consensus of everybody I talked to, that it is possible for Detroit to build a big car that are on the roads now that only get 8, 9, 10 or 13 miles to the gallon, and put a six-cylinder engine in

that and I am not a mechanic by any means but to build a big car so that it would get 18, 19, 20 or 21 miles to the gallon. We even had testimony to that effect by a car dealer in the Augusta area. He said that there are cars now on the road that are large and that are comfortable and provide all the things that the gas pigs that we refer to provide now, but they still get decent mileage and it is possible for the automobile industry in Detroit to do it.

The American consumer is really at the mercy of the automobile industry. Whatever is manufactured in Detroit has to be bought by the American consumer if they are going to buy American products. The cars that seem to get good mileage, over 20 miles to the gallon, are cars that are manufactured out of the country.

I understand the Congress of the United States is conducting an investigation of the automobile industry, and one of the areas that they got into that I would point out to you that illustrates this point, a fellow went around and investigated for Congress and said, what would it take if I have a \$5,000 car, a brand new car, what would it cost me if I had to buy all the parts to replace this car through the automobile industry? After he conducted his study, he came to the conclusion that it would cost him, for a \$5,000 car, to have that completely replaced, between \$60,000 and \$70,000, and all of that is eaten up in profits by the automobile industry.

The only final point that I would like to make is in criticism to the remark of Mr. Kauffman that the Energy Committee really only reported this bill out because we didn't have anything else to report out. We studied a number of energy problems during the off season. There were a number of different proposals that came before us and none of them seemed workable. This is one proposal that seemed workable at least to a majority of the committee, and that is why we reported it out on the floor. But if you want to criticize somebody about the energy problem in the State of Maine, the Energy Committee is not the group to criticize. It is the Governor's Office and the Office of Energy Resources, because they, working with our committee, never once came before us with a proposal to attack the energy problem. At least this is one serious attempt to get at it.

The Energy Committee of the Legislature should not be faulted, you should look elsewhere in state government to find fault.

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

Mr. KAUFFMAN: Mr. Speaker and Members of the House: I guess some people didn't hear what I said about this federal law. I don't want to go into details and read it; however, I will read one part. It says, "The 27.5 miles per gallon standard for 1985 and subsequent model years can only be modified by the federal Department of Transportation. But any reduction below the 26 miles per gallon is subject to disapproval by either House of Congress. Failure to meet these penalties will be liable to civil action."

I still say that this bill is discriminatory against people who want to buy a big car. I have two cars in my family. I think the total gas consumption, if I had one big car, would be less than the two small cars that we have.

I further will state that I still say the Energy Commission should not have studied this bill and if they did, they were

very lax in not looking up federal laws and whatever else was available.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read a very brief letter that I had from one of my constituents. I think it shows a very fair attitude on the part of one automobile dealer. It is from a man by the name of Roland Maheu, who is President of the Auto Center, Inc. in Auburn. He says, "Dear Mrs. Lewis: I have just read Legislative Document 2241 taxing 1977 automobiles on mileage and am very much against this legislation.

"Although I deal in small, economy cars and this would be very good for my business, the enormous load of taxation the people are burdened with today must stop. The middle-class and all people of Maine cannot afford more taxation. I urge you to vote against this legislation."

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, Men and Women of the House: I am pleased to be able to announce this afternoon that in a very short time we won't have any energy crisis at all in the State of Maine. There is a small town in Waldo County on the coast where a man — maybe you have seen the ad on TV where he has converted hen manure for energy to run his car. I think we have got the hen manure. If you run out of energy, we would be more than pleased if you would come up and get it.

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

Mr. MORTON: Mr. Speaker and Members of the House: I have enjoyed certain parts of the debate, but I would like to get serious for just one minute and correct the statement that the gentleman from Portland made. There is a very popular cliché among professional consumer groups to say "People are at the mercy of car manufacturers." I would like you all to know that that is absolutely not borne out by the facts. At the present time in this country, the low gas consuming small cars are very much available and the shortage is presently in the automobiles that are slightly larger. I can assure you that had the so-called great automobile companies known that this was going to be the case, they wouldn't have built anywhere near as many small cars.

The sale of small cars at the present time is very slow. That is not only true for domestically produced ones but also for foreign produced ones.

Mr. Silverman of Calais requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Farley, that the Majority "Ought not to pass" Report be accepted. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter,

Carter, Churchill, Conners, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessy, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Raymond, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitshell, Usher, Wagner, Walker, Webber, Wilfong, Winship.

NAY — Connolly, Curtis, Davies, Henderson, Ingegneri, Jensen, LaPointe.

ABSENT — Birt, Bustin, Carroll, Chonko, Clark, Gauthier, Hewes, Jalbert, Martin, R.; Mulkern, Norris, Quinn, Rideout, Susi, Tyndale.

Yes, 128; No, 7; Absent, 15.

The SPEAKER: One hundred twenty-eight having voted in the affirmative and seven in the negative, with fifteen being absent, the motion does prevail.

Sent up for concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs on Resolve, to Reimburse the Town of Waldoboro for Assisting in the Capture of Escapes from the Maine State Prison in Thomaston" (H. P. 1807) (L. D. 1966) reporting "Ought Not to Pass"

Report was signed by the following members:

Messrs. CORSON of Somerset  
CIANCHETTE of Somerset  
— of the Senate.

Messrs. BURNS of Anson  
HUNTER of Benton  
DUDLEY of Enfield  
PERKINS of Blue Hill  
SHUTE of Stockton Springs  
COTE of Lewiston  
GOULD of Old Town  
JOYCE of Portland

— of the House.

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

Report was signed by the following members:

Messrs. FAUCHER of Solon  
CAREY of Waterville  
— of the House.

Reports were read.

Mr. Faucher of Solon moved the House accept the Minority "Ought to pass" Report.

On motion of the same gentleman, tabled pending his motion to accept the Minority Report and specially assigned for Monday, March 22.

#### Consent Calendar First Day

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

Bill "An Act Relating to Conferring Degrees by Thomas College" —

Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-994) (H. P. 1927) (L. D. 2114)

Bill "An Act Increasing the Indebtedness Limit of the Mexico Sewer District and Creating a Special Debt Limit for Interim Financing" (Emergency) — Committee on Public Utilities reporting "Ought to Pass" (H. P. 2190) (L. D. 2302)

Bill "An Act Relating to Charitable Solicitations" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-996) (H. P. 1983) (L. D. 2165)

Bill "An Act Concerning the Analysis of Unexpended Balance and Payment Maximums under the Aid for Dependent Children Program" — Committee on Performance Audit reporting "Ought to Pass" (H. P. 1904) (L. D. 2091)

Bill "An Act to Permit an Employee to Review His Personnel File" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-999) (H. P. 2121) (L. D. 2270)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 22, under listing of the Second Day.

#### Tabled and Assigned

Bill "An Act to Provide Funds to the Department of Inland Fisheries and Wildlife" — Committee on Performance Audit reporting "Ought to Pass" (S. P. 718) (L. D. 2254)

On the request of Mr. MacEachern of Lincoln, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, March 23.

#### Consent Calendar

##### Second Day

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

Bill "An Act Concerning the Seining of Mackerel in the Territorial Waters of Washington County" (C. "A" H-991) (H. P. 2157) (L. D. 2291)

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

Bill "An Act Concerning the Workmen's Compensation Statutes" (C. "A" H-988) (H. P. 2046) (L. D. 2218)

On the request of Mr. Tierney of Durham, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-988) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Base Adjustment of Teacher and State Employee Retirement Allowances on the Consumer Price Index" (H. P. 1799) (L. D. 1958)

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

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

Mr. HEWES: Mr. Speaker and Members

of the House: I would ask for a division on the passage to be engrossed motion.

I thought about this bill overnight and I just feel, as the gentlewoman from Bath said yesterday, this is giving benefits to the retirees, but then I add, when you give something to someone, you are taking it from someone else. When there is no additional money on this by the State of Maine, either you are going to upset the integrity of the fund so that people who retire, perhaps even some of you some years in the future, will not have a solid financial fund to pay you benefits or pay the benefits of those who are collecting benefits in future years, or else you are going to have more be paid by the teachers, by the workers now, by the ones who are paying the benefits now.

It just seems to me you can't give something for nothing. First, we all agree it is a good retirement pension now. Secondly, this gives benefits to a particular group. Thirdly, it is not going to cost the State of Maine or state government anything. And fourthly, it is going to cost somebody something, and I submit it is going to be the teachers and the workers now and you are doing a disservice to the teachers and workers now if you pass this.

Presently the workers are teetering with the thought of a slowdown or work stoppage or striking, and now this bill, in my opinion, would take something away from them. I think you are going in the wrong direction and I hope you do not pass this to be engrossed.

The SPEAKER: The pending question is on passage to be engrossed. All in favor of this motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Usher of Westbrook requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Boudreau, Burns, Carpenter, Carroll, Connolly, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Davies, Dow, Drigotas, Dudley, Durgin, Farley, Faucher, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Gray, Hall, Henderson, Hennessey, Hinds, Hobbins, Hughes, Ingegneri, Jacques, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, LeBlanc, Lewin, Lunt, MacEachern, Mahany, Martin, A.; McBreairty, Mills, Miskavage, Mitchell, Najarian, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Rollins, Saunders, Shute, Silverman, Spencer, Stubbs, Talbot, Tarr, Theriault, Tierney, Tozier, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Ault, Bagley, Berry, G. W.; Blodgett, Bowie, Byers, Call, Carey, Carter, Churchill, Conners, Curran, R.; Doak, Dyer, Farnham, Fraser, Garsoe, Greenlaw, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Jensen,

Kany, Laverty, Leonard, Lewis, Lovell, Lynch, Mackel, MacLeod, Maxwell, McKernan, McMahon, Morin, Morton, Nadeau, Palmer, Perkins, S.; Raymond, Snow, Snowe, Sprowl, Strout, Teague, Torrey, Truman, Twitchell, Webber.

ABSENT — Birt, Bustin, Chonko, Clark, DeVane, Gauthier, Jalbert, Littlefield, Lizotte, Martin, R.; Mulkern, Norris, Rideout, Smith, Susi, Tyndale.

Yes, 84; No, 51; Absent, 16.

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

The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, having voted on the prevailing side, I would ask for reconsideration.

The SPEAKER: The gentleman from Rumford, Mr. Theriault, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill was passed to be engrossed.

The Chair recognizes the same gentleman.

Mr. THERIAULT: Mr. Speaker, I would like this matter to be tabled for two legislative days.

Mr. Kelleher of Bangor requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that this matter be tabled pending his motion to reconsider and specially assigned for Tuesday, March 23. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Dam of Skowhegan requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that this matter be tabled pending passage to be engrossed and specially assigned for Tuesday, March 23. 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.; Berube, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Carter, Churchill, Conners, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Davies, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewis, Lovell, Lynch, Mackel, MacLeod, Maxwell, McBreairty, McKernan, McMahon, Morin, Morton, Nadeau, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Raymond, Rolde, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Tarr, Teague, Theriault, Tierney, Torrey, Twitchell, Webber, Wilfong, Winship.

NAY — Bachrach, Bennett, Connolly, Cote, Dam, Dow, Fenlason, Hall, Henderson, Hennessey, Kelleher,



LaPointe, Lewin, Lunt, MacEachern, Mahany, Martin, A.; Mills, Miskavage, Mitchell, Najarian, Pearson, Pierce, Quinn, Rollins, Stubbs, Talbot, Tozier, Truman, Usher, Wagner, Walker.

ABSENT Birt, Bustin, Chonko, Clark, DeVane, Gauthier, Jalbert, Littlefield, Lizotte, Martin, R.; Mulkern, Norris, Rideout, Smith, Susi, Tyndale.

Yes, 102; No, 32; Absent, 16.

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

(Off Record Remarks)

**Passed to Be Engrossed Amended Bills**

Bill "An Act Relating to Definition of Retail Sale under Sales and Use Tax Laws" (S. P. 669) (L. D. 2128) (C. "A" S-437)

Bill "An Act to Charge Supplemental Weekly Benefits for Dependents to the General Fund Account of the State Unemployment Trust Fund" (Emergency) (H. P. 2117) (L. D. 2266) (C. "A" H-989)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed as amended in concurrence and the House Paper was passed to be engrossed as amended and sent up for concurrence.

**Constitutional Amendment**

Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and to Permit the Legislature to Override All or Part of Such a Veto by a Two-Thirds Vote of Each House (H. P. 1981) (L. D. 2170) (C. "B" H-942) as amended by H. "A" H-943)

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: It has been brought to my attention that in the enactor here there is a problem in that the resolution currently before us gives the Governor only five days to act on a bill. As you all know, we have passed a Constitutional Amendment that will go to the people that could conceivably give him ten days in which to act. So, in order to reconcile these two disagreeing facts, I would appreciate it if someone would table this for two legislative days.

On motion of Mrs. Najarian of Portland, tabled pending final passage and specially assigned for Tuesday, March 23.

**Passed to Be Enacted Emergency Measure**

An Act to Amend the Medical Practices Act (H. P. 1919) (L. D. 2107) (C. "A" H-966)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 114 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act Relating to the Trustees of the Dexter Utility District (H. P. 2103) (L. D. 2269) (C. "A" H-971)

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, 117 voted in favor of same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act to Prohibit Embalming when an Autopsy has been Authorized (S. P. 659) (L. D. 2084) (C. "A" S-429)

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

**Enactor**

**Tabled and Assigned**

An Act to Regulate Drinking Water (S. P. 687) (L. D. 2198) (C. "A" S-431)

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

On motion of Mr. Leonard of Woolwich, tabled pending passage to be enacted and specially assigned for Tuesday, March 23.

An Act to Amend the Mandatory Reporting Law on Child Abuse and Neglect (H. P. 1898) (L. D. 2078) (C. "A" H-968)

**Finally Passed**

Resolve, Authorizing the Exchange of Certain Lands in the Capitol Complex as Recommended by the Capitol Planning Commission (H. P. 1968) (L. D. 2157) (C. "A" H-950) (H. "A" H-982)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Bill passed to be enacted, the Resolve finally passed, both 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:

Senate Report — "Ought to Pass" as amended by Committee Amendment "A" (S-433) — Committee on State Government on Bill, "An Act to Revise the Personnel System" (S. P. 677) (L. D. 2166) — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-433) and Senate Amendment "A" (S-434)

Tabled — March 17 by Mrs. Najarian of Portland.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-433) was read by the Clerk.

Mr. Garsoe of Cumberland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1001) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, this merely seeks to correct a seeming inconsistency in the confirmation of the Director of Personnel. The original bill, inadvertently converted to the situation

that we will have on January 1, 1977. This places the Executive Council in its proper business until that time and then on January 4, 1977 the bill reverts to its present form.

Thereupon House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

Senate Amendment "A" (S-434) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of Senate Amendment "A".

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves the indefinite postponement of Senate Amendment "A".

The gentleman may proceed.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Again very briefly, since you perhaps don't have it in front of you, it says, "The head of each department and agency shall appoint one person employed in that department who shall administer the personnel law as it applies to such department and shall notify the Director of Personnel of such appointment. In administering the personnel law, such person shall be subject to the direction of, be responsible to and report to the director of personnel."

Under the Statement of Fact, it indicates that this is to assure systematic and uniform application of the personnel law in state government.

I am hoping we can postpone this amendment today as an example of an unwise attempt to cause good things to happen by writing them into the statutes. If we don't have proper personnel administration, attempts such as this to make it happen are not going to be successful. This has a divisive effect of dividing the responsibility and authority of individuals from under their own department control to another area. It is felt, and I am no expert on the subject of personnel management, but it is felt by those in the field that this is not a necessary piece of legislation, that we are either going to have good personnel management by the type of people that we have involved or we are not going to have it, and a measure such as this only tends to confuse and obliterate the lines of control and responsibility and I hope you go along with it.

Thereupon, Senate Amendment "A" was indefinitely postponed in non-concurrence and the Bill assigned for second reading the next legislative day.

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

House Report — "Ought to Pass" — Committee on Performance Audit on Bill, "An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud against the State" (Emergency) (H. P. 2155) (L. D. 2290)

Tabled — March 18 by Mr. Talbot of Portland.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading the next legislative day.

The following Bill appearing on

Supplement No. 1 was taken up out of order by unanimous consent:

Bill "An Act to Provide Grants and Loans for Health Education" (S. P. 760) (L. D. 2310)

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

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

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: As you know, the Waterville Delegation is extremely fortunate in having within its boundaries the Keyes Fibre Manufacturing Company which makes an excellent chinette paper plate, and in observance of the bicentennial, they have put out this year a bicentennial plate which has stars of red, flags and what is the American Bicentennial observance, 1776-1976, on the rim of the plate. It is my extreme pleasure to present the very first set of plates to the Speaker in behalf of the company. (Applause)

Mr. Cooney of Sabattus was granted unanimous consent to address the House.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that each of you received a copy of a letter that the Governor sent to Senator Curtis and myself in regard to a bill that we had in committee, "An Act Requiring Disclosure Communications made by Elected Public Officials to Sensative Regulatory and Loan Granting Governmental Bodies." I just wanted to explain that we did not take this subject up lightly, as the Governor infers, that the committee spent a great deal of time dealing with it, since it does deal with an important subject and that is, a legislator or any other person of importance calling, say the Maine Guarantee Authority or the Public Utilities Commission or some other regulatory agency and trying to pressure a decision. We saw a couple of real problems with the bill and I just wanted to explain them to you so you would understand if this issue comes to your attention again.

The first one is, what is to prevent a person from calling up the Maine Guarantee Authority and saying, this is Governor Longley and I want you to give my buddy the loan guarantee that he requests, and then moments later, that same person who called impersonating the Governor calls up and said "Hello, this is your friendly local newspaper reporter, I would like to know if you have had anybody call recently to influence any loans." All the time there had to be a record of this and there is just no way to police that kind of communications by telephone and we couldn't find a way to do it, so we felt that telephone communication was completely out of the question since it might end up in a criminal prosecution of some sort, it became actually dangerous.

Then beyond that, if you decided that you would make a record of communications to one of these agencies of somebody who appeared in person, then you are starting to get into the question of real bureaucracy of having to file a report, that report would have to be written up, obviously, we are going to have to set some standards for keeping records of this sort and it would have to be agreed upon by the

person who came in and asked the questions. So, we felt that the whole question had some merit but the mechanics of dealing with it were unwieldy. We gave it considerable amount of discussion in committee before we decided not to take any action at this time.

I just wanted to explain that and didn't want you to have a feeling that a suggestion, a legitimate suggestion by the Governor had been lightly treated by the committee. We treated it with a great deal of concern.

Mr. Ingegneri of Bangor was granted unanimous consent to address the House.

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: A few minutes ago, I was a little bit confused, a little bit hesitant, and perhaps it was because I had on my mind what I am going to say now. I am not confused and I am not hesitant and I know exactly whereof I speak.

On Wednesday of this week, Governor James B. Longley branded my tax reform bill as "a knife in the back of the people of Maine." He went on to state and I quote "If I understand what Mr. Ingegneri is saying in the news media reports, it's twist that knife a little bit more because that doesn't hurt as much as when the knife went in."

I find it very strange that the Governor should be relying on what he has seen in the news media when I held a news conference on February 11 explaining my bill which was then printed and available on the next day as L. D. 2211.

A short time later, at a coffee which was attended by the Governor and Legislature, the Governor spoke to me in person about my bill, admitting that he had not yet studied it. About three weeks ago at a reception at the Civic Center, the Governor spoke to me once again concerning my bill. He stated at that time that he had shown my bill to and discussed it with several certified public accountants who were favorably impressed by it. He went on to state that he agreed with my desire to reform the Maine Income Tax Law but did not think that this was the time. "Wait until next year," he said.

Now the Governor acts as if this bill came as a complete surprise to him. Perhaps he has been relying too heavily for his news upon the Bangor Daily News which, unlike other Maine newspapers, has given no coverage whatever to my bill until Thursday of this week. On that day, the Bangor Daily News in its usual manner of objective reporting gave its first recognition to my bill under the caption of "Knife in Back, Ingegneri Bill Hit."

My bill incorporates badly needed reforms which include a more liberal standard deduction and low income allowance in conformity with Federal regulations which benefit low income and middle income taxpayers. Others benefitting from my bill would be retired and elderly people, single persons heading a household and persons with unusually high income in a single year.

Maine ranks second in the nation in property tax collections per \$1000 of personal income and tenth in the nation in sales tax collections per \$1000 of personal income. When you compare this with the fact that Maine ranks forty-third in the nation in state individual income tax revenues per \$1000 of personal income — then I ask you who is bearing the burden in Maine for the cost of state and local

government? Who is stabbing who in the back financially?

If the Governor had been reading other newspapers in the state he would know that my bill is intended to help the low and middle income people of this state and he would have seen the tax tables to prove it. He would in addition understand that I have adjusted the brackets to spread the tax burden more evenly and more in conformance with the ability to pay.

The Governor is right about one thing, Maine does have a heavy tax burden per percentage of income but this burden falls more heavily on the low and middle income taxpayer. The reason for this is an historic reliance on regressive sales and property taxes.

I don't want to get into a debate with Governor Longley in the newspapers. Unlike the Governor, if I disagree with his position I prefer to do it face to face, as I have done several times in the past.

To me, tax reform in this state is long overdue. The time for tax reform is now, not next year or the year after that. I have worked long and hard on this bill and I think it is a good bill. I am not about to become discouraged at this time because the Governor uses inflammatory language to discredit my position.

I stand before you today, not angry at the Governor, and not self-righteously demanding an apology. I am secure in my belief that I am respected in this House and that is all the vindication I need or seek.

Mr. Pearson of Old Town was granted unanimous consent to address the House.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Many of us in this legislature have different conditions prevailing in our local communities to consider and the reason I voted to override the Governor's veto on the education funding, even though being single I would have to pay more tax and even though there were other positions that were slightly distasteful to me — for example, the 90-10 provisions on special education instead of 100 percent funding, I had to consider my local community, as a currently serving city councilor and the bills impact on taxes, schools, the senior citizens and on many more concerns of Old Town, as you did on your own communities. I have received a total of three letters from groups in Old Town, all of which were in favor of my vote and two of which I would like to read.

This one is from the Old Town Senior Citizens Club and it says: "Dear Mr. Pearson: I am writing to inform you that I speak for the Senior Citizens of Old Town when I say that we feel the income tax, as recently voted on by both the Senate and the House, is right and just. As you know, most of our Senior Citizens are on fixed incomes and of the measures before you, this is more fair. Signed, Brian Ross, Director."

The second letter I would like to read is from the Superintendent of Schools in the City of Old Town to the editor of my local newspaper and it says: "Dear Editor: It has often been said that the local taxpayer has no voice in Augusta, no representation relative to their needs. We are most fortunate in Old Town to have the three lawmakers that we do in Senator Joseph Sewall, Representatives Michael Pearson and Stephen Gould. These three gentlemen did much serious soul searching and intense examination of all the school funding amendments that were circulated in the present special session. At a time

when the vote came to override the Governor's veto on L. D. 2196, they courageously and expertly spoke for the Old Town property taxpayer. The Governor's bill would have added some \$120,000 to \$150,000 to the Old Town property taxpayer this year. The new bill relieves us of this burden and brings a possible 3 to 3½ mill increase in the school budget to about 1½ mills. When the Old Town taxpayer needed them the most, they were there and they delivered. Their interest centered around the continuance of quality education in Old Town, the continued relief for the property tax and the overall courage of their belief. To one who has studied at great lengths all the various proposals submitted in the special session, this now existing bill was the best possible alternative for the City of Old Town. Old Town lawmakers truly represent no special interests, have no axes to grind and their service is to the people of their district and we are most fortunate."

I appreciate those letters, Mr. Speaker, and I asked to have a chance to read them into the record because it would seem from the indication that I had before the vote on the veto override and the letters that I have received from the people I seek to serve since the vote, that I and all the members of the Old Town delegation have been partially successful in carrying out the interests of Old Town.

(Off Record Remarks)

On motion of Mr. Kauffman of Kittery,  
Adjourned until Monday, March 22, at  
ten-thirty in the morning.