

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, March 22, 1976

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

Prayer by the Reverend Ehrmann Bennett of Freeport.

The members stood at attention during the playing of the National Anthem by the Limestone High School Band of Limestone.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 761)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Kim Sanborn A Student At Nokomis Regional High School First Place Winner In The Kennebec Valley Business Education League Meet

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

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

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Joint Order: (S. P. 762)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Elizabeth Bjork A Student At Nokomis Regional High School First Place Winner In The Kennebec Valley Business Education League Meet

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

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

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Joint Order: (S. P. 763)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Janet Willette A Student At Nokomis Regional High School First Place Winner In The Kennebec Valley Business Education League Meet

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

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

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Reports of Committees

Leave to Withdraw

Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Permit Transit Districts to Establish and Maintain

Waterborne Transportation Systems" (S. P. 660) (L. D. 2085)

Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Regulate Sewer Utilities" (S. P. 707) (L. D. 2229)

Comes from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Resolve, Requiring Planning for Expansion of Wood Harvesting Programs by the Bureau of Vocational Education of the Department of Education and Cultural Services (S. P. 721) (L. D. 2257)

Report was signed by the following members:

Messrs. KATZ of Kennebec
THOMAS of Kennebec
BERRY of Androscoggin
-of the House

Mrs. LEWIS of Auburn
MITCHELL of Vassalboro

Messrs. LYNCH of Livermore Falls
BAGLEY of Winthrop
POWELL of Wallgrass Plantation
TYNDALE of Kennebunkport
FENLASON of Danforth
CARROLL of Limerick
-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. CONNOLLY of Portland
INGEGNERI of Bangor
-of the House

Come from the Senate with the Majority "Ought Not to Pass" Report read and accepted. In the House: Reports were read.

On motion of Mr. Lynch of Livermore Falls, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-435) on Bill "An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators" (S. P. 663) (L. D. 2087)

Report was signed by the following members:

Messrs. CURTIS of Penobscot
GRAHAM of Cumberland
-of the Senate

Mrs. KANY of Waterville
SNOWE of Auburn

Messrs. COONEY of Sabattus
WAGNER of Orono
PELOSI of Portland
LEWIN of Augusta
STUBBS of Hallowell
QUINN of Gorham
-of the House

Minority Report of the same Committee reporting "Ought to Pass" as Amended by Committee Amendment "B" (S-436) on the same Bill.

Report was signed by the following members:

Mr. WYMAN of Washington
-of the Senate

Messrs. CARPENTER of Houlton
FARNHAM of Hampden
-of the House

Come from the Senate with the Majority "Ought to Pass" as Amended by Committee Amendment "A" (S-435) Report read and ac-

cepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-435) as amended by Senate Amendment "A" (S-440) thereto.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I move acceptance of the Majority Report in concurrence.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves that the House accept the Majority "Ought to Pass" Report in concurrence.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the minority report, I am going to urge you not to accept the majority report and I will briefly explain the difference in the two reports.

The majority report would go along with the bill as passed in the 106th Legislature, which, by the way, I voted against, which would make the pay for the first regular session \$5,000, for the second regular session—and when we passed this bill in the 106th there was no such thing as a second regular session — but by vote of the public and constitutional change, what has in the past been a special session automatically becomes the second regular session. So the majority report says for the second regular session we will get the thousand dollars plus \$25 a day for each day you are in attendance. The A Report also does not make any change in the subsistence allowance.

The B Report would pay you \$4,000 in the first regular session, and if you have read some of the amendments that have been accepted, the sessions will be shorter in the future, or a good chance of their being shorter because there is a time limit on them. So you will have a shorter session plus; basically, an increase of \$250 for that year.

On the B Report, we say you will receive \$2,000 for the second regular session, no under-the-table \$25 a day, but we do say that on the subsistence allowance, that would increase from \$25 a day to \$30 a day. This may seem like a remarkable increase, but I think all of you are aware of the change that has taken place in the cost of room and meals since last spring, between last spring and the start of this session. Then I would like to have you think ahead to the second regular session of the 108th, which will be in 1978, and by that time rooms and meals will be far in excess of the \$30 a day which we recommend.

Many people construe the B Report as one that calls for a cut in pay, and the position they take is based on this logic. We were in session in the special session of the 106th for some 61 days, which gave us twelve or thirteen hundred dollars over and above the existing salary schedule. I would like to point out to you that special sessions did not always last 50 or 61 days. For instance, in the 100th Legislature, it was 6 days; the 101st, 13 days; the 102nd, 14 days; the 104th started to break records, 25 days; the 105th, 34 days.

Now, the 106th did go 61 days, but I think we had an unusual situation there. If you will recall, practically every bill that was killed or passed, depending on which side you were on in the regular session, it bounced back in the special session. This was something that was pretty well taken care of by the legislative committee this year. Also, we had the Maine Management and Cost Survey which added a great many extra days to the session.

I cannot account for the length of this special session, which, if we go to April 2, and I don't see any reason why we won't get there, in fact, I think we may go beyond it by the looks of today's calendar and the calendars that are coming the rest of the week. We will have been

in session 50 days. I would like to ask you what has been accomplished in 50 days? Most of the time we have been in session here for one hour. Those of us who had active committees have been kept busy; those who were on committees that had few bills have just been whistling around and waiting and waiting.

I never agreed in the 106th with this \$25 a day under the table; I wanted it on top of the table where the public could see it and know what we were getting. I was not ashamed to put it on top of the table, not ashamed for them to know what we were getting, because I don't think anybody has ever accused us of being overpaid.

Much is made of the fact that we are on duty the year round, for the whole two years. That is true, we are, but how much time do you spend when we are not in session on legislative matters? Probably it depends a lot on the district which you represent. I happen to represent a district that doesn't have the "gimmies" and they seldom bother me during the session. In fact, I shouldn't say it is a bother, it is my duty to respond to their calls. But I make two or three trips around the district, check with the selectmen, people in the community, and that is about it. Of course, this being an election year, all of us will be gusting around through our districts and showing them what conscientious legislators we are.

For these reasons, and I could go on a long time, I urge you to accept the B Report, reject the A Report and just keep in mind that you will still get the \$6,000 that the 106th Legislature legislated for this session and for the next session. It is not a pay cut, because no one can tell you the length of a special session or no one can tell you the length of the second regular session. It might only last 15 days and you would only have the 15 times \$25. Let's not try to fool the public anymore. Let's stay with the B Report, put all our cards on the table and be willing to have the public scrutinize it.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not trying to fool anyone nor is the majority of the State Government Committee. I went into detail on this subject last week in trying to explain to you that the majority report of the committee seeks to leave the pay provisions for the next legislature exactly as they are today, no increase, no decrease. The only substantive change in the law — and I did not mention it to you the other day because it is a minor one — is that the Indian Representatives now have a 30-day maximum that they can be paid for their attendance at the session. We have removed that limitation. That is the only substantive change that the majority report calls for.

The only thing that we did, we changed "special session" to "second regular session." We left the per diem allowance identical and we left the meal and mileage allowance identical to what it will be in the next session of the legislature.

Mr. Farnham's proposal, which is Report B, if we have sessions which are anywhere near the length that we have had them in the last couple sessions, which I think we can safely say will probably occur, his proposal would be a pay decrease, and I think each of us knows that in a citizen legislature, where we are trying to encourage a broad cross section of people to come and serve in this legislature, to tell them, many of whom have filed their papers already, that they might receive less money than the law now calls for I think would be a disservice to our whole citizen legislature system.

It is possible that Mr. Farnham's proposal might actually be a raise in compensation. In fact, it is the only one of the two proposals that could possibly be a raise over what we would get under the law in that as he mentioned, we

could have a very short second regular session. If we did, you would automatically get the \$2,000, which would be more than the other proposal calls for.

The Report B proposal does, I think, assist people who are on social security. There is no question that a payout of \$4,000 and \$2,000 in income would be beneficial to those people who are on social security pensions. I think all of the committee is sensitive to those needs, but we must remember that we are trying to deal with the needs of all legislators and prospective legislators and not just those who are receiving a social security pension.

The other thing about the Report B proposal is that it does in fact have in it the only increase of either two proposals, and that is a \$5 per day on the meals and mileage. That is an absolute statutory increase called for in Report B. Report A leaves that provision identical to what it is.

I would ask you to concur with the Senate, accept Report A, leave things identical to what they are, notwithstanding the reports in the press which have misconstrued the situation, and accept Report A.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Much has been said recently about the proposed increases in legislative salaries, especially in the press. In yesterday's Sunday Telegram there was a lengthy editorial on the subject. Because it is often how things appear rather than how they are, I wish to insert these comments of mine into the record.

The 106th Legislature passed a two-step salary increase for legislators — \$3,500 in that session to \$4,750 in this session and then to \$6,000 in the 108th Legislature, which will meet next year. I voted for that and argued for it.

The salary is for two years, as you know, but up to this point in the history of the Maine Legislature, it has been paid mostly in the first year of the biennium. Legislators have been receiving a per diem rate of \$25 per day during the off-year special session.

Since voters last year approved annual sessions starting next year, the question now becomes, in my mind, how to apportion the \$6,000 salary that has been scheduled to take effect the next legislature. Since we will not be having the traditional off-year special session, I feel the per diem pay for those sessions should be discontinued, because to continue that pay on top of the already scheduled increase to \$6,000 could be considered an increase in total pay, in my opinion.

To answer some of the comments of the good gentleman from Sabattus, I believe that this method of pay, that is taking the \$4,000 in the first year and the \$2,000 in the second year to equal the total of \$6,000 could serve as a constraint especially on the second session which this legislature is charged with doing, setting statutory limits on the session, and I think that is a good thing.

Secondly, I believe that the \$25 per diem which we now receive encourages prolonged debates, not necessarily here and now but generally speaking in past legislatures, I believe there is not such a tendency to worry about adjourning while the appropriation and the pay continues.

Finally, Mr. Cooney made the comment that Mr. Farnham's Committee Amendment "B" could be interpreted as something other than I think what it is, and I would point out to the good gentleman from Sabattus that both proposals call for a salary of \$6,000. If we adopt Committee Amendment "B" and receive the \$4,000 and the \$2,000, we are still going to get the same total of \$6,000 that is incorporated in

Committee Amendment "A", but we will not be getting the per diem.

I also wish to urge this body to accept Committee Amendment "B" and let's be honest with the public and let's put everything right out front, especially this year, so there is no misunderstanding about what we are doing up here.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I think there is one item in the discussion of the pay bill increase that has been overlooked and I would just like to take a moment of your time this morning to refresh your memory or bring out some figures which is the existing cost of running our legislature up until now.

The 105th Legislature, just to go back in time a little bit, for the regular session there was a cost of \$1,376,000. I will round these figures off and not go into the hundreds. You can estimate that for your special session you run somewhere between \$500,000 and \$700,000, and I am basing that on 55 days for this special session for which we appropriated \$675,000.

Now, the 106th, the cost went up to \$1,718,000, mindful that this is the cost of your regular session and not the special session, so you have to add that on too, so there again you would add another five to six hundred thousand. The 107th, \$2,758,000; and it is projected for the 108th a cost of \$3,122,000; mindful that if we have these increasing long special sessions, those will be costing proportionately more.

I think that many of us who have been on the Appropriations Committee this year are sitting under the gun on some very trying situations with the various agencies which are trying to get a pay increase. The taxpayers of the state have not had too many increases in their salaries recently. Yes, you can say industry is increasing theirs, probably the insurance industry and the paper industry and that type of thing. We are still a very, very highly seasonal state. We would like to make it more year-round but, nevertheless, we are not.

I would also like to show you some other figures, and I know sometimes people get a little upset, but if we take the cost of running the State of Maine from 1960-61, during Governor Clauson's time, there was a departmental request of \$123,164,000. Presently, today we are in a department request of upwards of \$880,000,000, ladies and gentlemen. I would like today to go on record, as my good friend from Blue Hill, Representative Perkins, had tried to do the other day, he is absent today and unable to be here, to hold the turn. At least indicate to these people that I realize we had set these ahead for the incoming legislature as a pay increase, but what harm is there to hold the turn at least for a year and indicate to them that we do not want these increases?

I would further bring to your attention the fact that revenues — and we get a sheet and I don't know whether many of you get benefits or not, which indicates that you have your revenue that comes into this state from roughly around fourteen different sources — sales and use tax, uniform school tax and on down the line, cigarette tax, corporate tax and everything else. For the month ending February 29, there are fourteen of these contributing factors. Out of that fourteen, ten of them are less than what was budgeted. In other words, there was a decrease in ten out of these fourteen amounts that were coming into the coffers of the State of Maine. If you take it for the year, up to now, the fourteen sources of revenue, there are nine of them still on a minus figure on what was budgeted.

I would just close my remarks by reading a little piece here that I found in a publication that I think here in this 200th year of our an-

niversary of our country, our federal budget now exceeds \$300 billion. It is interesting to note that it took 186 of these 200 years to reach a federal budget of \$100 billion, and now, just 13 years later, we are facing not a budget but a deficit of that magnitude. I suggest that an adjustment in the American standard of living is in the process of occurring. This is inevitable, since we cannot long afford to spend and consume beyond our ability to pay. Our choice lies in how the change comes and how we respond to it. If the attitudes and the behaviors of the past persist, we are destined for a future of chronic inflation and high unemployment. On the other hand, if we are willing to accept the realities of a world in which food, energy and other resources are limited, we may continue to enjoy most of those qualities of life to which people everywhere aspire. If this is to happen, however, we have much to do in terms of revising expectations and resetting priorities.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Just to clear another point, and I am sure the gentleman from Sabattus, Mr. Cooney, did not intend to mislead you, he brought up the red herring of social security. Sure, there are a lot of us here on social security and all of us lose some tax-free money and substitute some taxable money for it, but probably you do not understand that any months that we are not here, no matter what we have earned, if we got paid \$5,000 for the three months we are here now, at most we would only lose three months of our check, we would still get our check the remaining nine months. So that is a little bit of a red herring to draw across the trail, and it certainly is not one of my motives in having this split 4 and 2 instead of 5 and 1.

The gentleman also said it would be a pay decrease. I am willing to admit that probably for the 107th, with the \$4,750 salary and the twelve or thirteen hundred dollars that we pick up on the \$25 a day, we may be cutting the future pay, what could be the future pay, by one or two hundred dollars, but that is all.

I ask you not to be confused by this social security red herring. I am one of them. I have to go to work in the summer to make a living, too. I am out there cutting pulp and hard wood from the middle of May on. I am in pretty good shape when I arrive here in the fall, and I notice the gentleman from Bridgewater, Mr. Finemore, he is already trying to buy my pulp so he can get an extra dollar profit on it.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not here to quote figures, because figures are not my thing, but I will quote a few things here and I wish you would listen.

I am against raising the pay schedule. I look around here and I don't see anyone in dire need. Secondly, no one forced us to come here and work. I read in the newspaper that two of our colleagues said that if we don't raise the pay, we will have professionals here. Well, I would like to know what we have now — lawyers, teachers who ask for leaves of absences to be here, businessmen, lumbermen, camp and resort owners and housewives. I wish the gentleman would explain to me if this group is not a professional group, I feel otherwise. If we do increase the pay, that is just what you are going to have, professional people. When I see the gentlemen in the halls here every morning wiping the floors, I feel guilty that their pay is so little and some of us have the nerve to ask for a pay increase. What are we here for, to serve the people of Maine or to serve ourselves? If you are here to serve yourselves and make a living on this job, vote yourself a raise, but if you

are here to serve your constituents and the people of Maine, vote this down. Please leave well enough alone.

Mr. Speaker, I ask for a roll call when this comes, but I also have an afterthought.

After reading Saturday morning's Portland Press Herald, one of our members down the hall — now I am talking on party lines — said, "To tamper with this today is a copout. Everyone here is entitled to fair daily wages." I didn't know we were here to earn a living. I am very disappointed in him. Is he here for himself or to serve the people of Maine? I could say more, but then I wouldn't be a lady and it is hard for me to be one when I come across anyone in my party who thinks of himself first and the people of Maine last. Please, don't vote for a raise of any kind.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I did a little checking this past year. Sometimes in my cellar and in my garage I do experiments. Some fail and some I feel succeed. I did a little checking on what my services have been worth to the people of Maine. The pay that I receive last year, the amount of time that I put into it, and I am sure that everyone in this House is dedicated to the same cause that I am. Well, I will inform you that you got 8 cents an hour for your work last year. I don't know about you, but I feel that I am worth more than 8 cents an hour. You figure the time that you put in with your people back home, and it is hard for me to believe that nobody gets a telephone call on the weekend, that is very hard for me to believe.

I was talking to a good friend of mine this morning from the other side of the aisle, who is in the opposite party, and he was telling me about the phone calls that he receives. We are both from the same city and I know what I receive. I know the complaints that we receive, I know the grief and the aggravation when you try and you work so hard to try to help people and have a department head say, "We don't have time to go through with this but we will do the best we can and you will hear from us." Then they never call you. It is very disheartening to try to help the people and you can't do it because we get very little cooperation from department heads of this state.

But I am not up here for the money and I don't believe that there is any member of this House up here for the money. If you are, you had better get out because you can do better on welfare. I am up here to serve the people of Maine for two years. I didn't want to come up here in the first place. I didn't even take out nomination papers. They wrote my name in on the ballot and got me on the ballot and I am here. I don't expect to be back, but at least I was here for two years and I feel that I can serve the people of Maine without consideration of how much money I receive, because if I have to put money above the services of the people, the State of Maine doesn't have enough money to pay me for my services, because I come mighty high when you talk dollars and cents in my own belief.

How can we vote ourselves a pay increase and have state employees taking home \$88 a week? No, I can't do that. I can't say to you, yes, I want more money but I want a state employee worker working on a highway or whatever his case may be, and plenty of them have called me, and our guards, which is a very dangerous job, our state police, how can I say yes, I want a raise but you can't have one? Well, I can't say that and I can't in all good conscience leave this legislature knowing that I hadn't done all I could while I was here. When I am gone, that is not my problem. But while I am here, I must do the very best I can, sometimes under the hardships that I have to work with. But to say to

them, no, and to say to myself, yes, I don't believe that is right and I don't believe anyone in this House thinks that way either.

I know that many of you travel long distances to serve the people of Maine, and probably that is why some of you were so shocked when I asked to adjourn last week so that you could go home for the weekend to be with your families. I know there are problems. We have problems within ourselves up here, but giving yourself a pay raise, and this is really peanuts when you are talking dollars and cents, it isn't worth it because you are worth more than the pay raise. If you do the work — and I can truthfully and honestly say that while I have been here I have never seen so many dedicated people, so many concerned people as there are in this House, and I say that in all sincerity, but I don't believe in my heart that we should increase our own salaries and turn our backs on the state employees of this state, not the high brackets, they can sink, but the smaller workers who are working for an hourly pay to be just above, in many cases, the minimum wage, and this state will never see daylight until the minimum wage goes to \$3 an hour so that the working people can take home more money.

It costs me money to be up here, and I know it costs you people money to be up here, so don't say that you are worth this little raise, because when it comes to that, you are worth a heck of a lot more than what this bill calls for. If you want to get paid for your services, to be up here and to be elected for your services, then give a raise that you should get and not a little peanut raise that doesn't amount to anything for each individual but amounts to hundreds of thousands of dollars for the entire state. I know that I am worth more than 8 cents an hour and, Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, moves that this Bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to the report I signed, which was the minority report. I would also, if I may, point out to the gentleman from Westbrook, Mr. Usher, that this bill deals with more than just the salaries. It deals with something we have to do—we will get back to that.

I supported the minority report basically for the same reasons that Mr. Laffin just mentioned. I personally feel that with the amount of time I put in, especially when we are not in session, that perhaps myself and some of the people that are here, most of the people who are here, deserve the pay raise as voted by the 106th. However, I think the crux of the matter is, are we going to pay legislators for the time we spend in Augusta in a regular session now coming up in two regular sessions or are we going to pay them for the entire two years? While I am in Augusta in a regular session or in this special session, my salary is very adequate.

I realize I am a bachelor, I don't have the expenses and the responsibilities that many married people have. I also don't have what many of you have, and that is a business to go back to, jobs to go back to when we are not in session. Last year, I taught a little school as a substitute. I picked potatoes for three weeks during potato harvest. I am willing to do that. I am running for election again for a different office and I am willing to do that for the reasons stated by Mr. Laffin and several of the other speakers in favor of the minority report as

signed by myself, Mr. Farnham, and the gentleman from the other end of the hall. I think that at a time when we are realizing and we are admitting openly on the floor of this body that we are going to be able to provide less money for the University of Maine, if any; less money for state employees; less money for many, many other worthy programs. Perhaps the budworm will receive less money, then we should be able to accept less.

The argument is, well, you are not going to be able to attract qualified legislators. Perhaps that was an argument back when the pay was \$1,500. When I ran for this job, on election day, I had no idea what the salary was and I think probably that is true for many of you people. I haven't seen anybody that crazy yet, I don't think is here for the money. If you are, you shouldn't be here. Granted, you do need a decent wage to live on while you are here, especially if you have a family or second home to support back home. I think the way it is right now, with the amendment as signed in the minority report, makes it adequate for the 108th, perhaps not as good, not as attractive, and maybe it won't attract as many people but I also don't think it will detract people running for this body. For that reason, I would ask that you support the minority report.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to address myself to the parliamentary situation Mr. Laffin has put us in. This bill deals not just with the pay issue of legislators but implementing the constitutional amendment with regard to annual sessions. It sets the length of the first regular and second regular sessions. If we defeat the entire bill then we will not implement the constitution as we must do and we will have to find some other legislative vehicle to do it.

I would suggest that perhaps the best thing to do would not be to vote for indefinite postponement or for Mr. Laffin to withdraw that motion. If you agree with Mr. Laffin and Report "A" is not to your liking then you would defeat that and vote for Report "B", it will accomplish the purpose of legislative pay adjustments as well as the other issue of setting the length of the session. I just want to explain that as we move into this motion.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: It is mostly questions I have on this. I understand reading this, there is no Report "A" or Report "B". I understand that it is a complete bill, only two different methods of passing it.

Now, if we indefinitely postpone it, we are indefinitely postponing the complete bill. That is everything, both reports.

Again, as I understand, if I am wrong I hope the Speaker will correct me. I believe if we don't pass this at all, if we kill it and indefinitely postpone it, it will go back to the method we have that was set up by the 105th Legislature. If we do that, it will be \$5,000 the first year, \$1,000 the second. I do understand that there is some misunderstanding or some correction to be made in the \$25 a day per diem. I don't think any of us have too much gripe on that. I think our intentions were for that when we passed it in the 105th. I hope we will continue to do so. In doing it, you still have that bill left if you indefinitely postpone this one.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a little misconception here and I thought there was a misconception all along because the pay increase that we talk about or the pay decrease I

think that you are talking about this morning deals with the regular session of the legislature. For instance, if this year the Governor and the leadership had decided that we didn't need a special session we still would have received the \$1,000 at the first of the year because that is money that was paid for the regular session and because of the problem that it created with the retirees and the people on social security, they structured it to be paid the first day of the second year but it was payment and is payment for the regular session of the legislature. The special session of the legislature, any time that it is called, and has been under the constitution and under the pay, been at \$25 a day, the per diem, that is what the per diem is. If the constitutional change hadn't been structured in, you would have been paid \$5,000 and \$1,000, is \$6,000 for the regular session of the legislature and if, a special session of the legislature were called then you would be paid the \$25 a day. Please don't confuse the amount of money that was paid and the increase that we talk about, the increase that was structured in the law was for the regular session, every two years, of the Legislature in the interim before the increase came in, we changed the constitution and we went to regular sessions. But, the \$25 — let me be emphatic about it — the \$25 a day is the payment for the special session because if we hadn't had a special session this year, and if we hadn't changed the constitution and we didn't have a special session next year, we would have gotten the \$6,000 just the same. Now, if we had a special session in the next year, then we would receive the \$25 a day.

So, I would hope that Mr. Laffin would withdraw his motion because we could end up getting \$6,000 at both of the regular sessions. I don't know how it would but it could happen that you would be paid the two \$6,000 which would be \$12,000 and that wouldn't be wrong. I won't address myself to Report A or B because I don't think that is what is before us right now.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I withdraw my motion.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, withdraws his motion to indefinitely postpone. The pending question before the House is the motion of the gentleman from Sabattus, Mr. Cooney, that the House accept the majority "ought to pass" report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you a little background of the bill in the 106th that set up this pay structure. Apparently, oh, sometime in the last decade or so, it became apparent to more and more people in the United States, that to attempt to solve societies problems increasingly through Washington was an error, that it was difficult from Washington to judge the problems that affected all of the areas in the United States and that, furthermore, once legislation passed down there, it became very expensive and inefficient to attempt to administer everything from Washington and it occurred to people that perhaps we could identify problems better locally and that perhaps that we could handle them more efficiently locally. Once this recognition began to grow across the country, the problem seemed to be this, that our legislatures all across the country were generally not up to the chore of taking on an expanded role in our country, that we were plagued by a tradition that called for low rates of pay, minimum staffing and other limitations that seemed to preclude the possibility of our

legislatures assuming an expanded role. It was widely recognized that this should happen.

In recognition of this problem, I believe there were several foundations, national foundations that made substantial appropriations in support of an organization — I forget its name — but its purpose was to upgrade legislatures across the United States. This took place several years ago. Money was made available for this purpose. The state of Maine shared in this program, we had funds available to us, trained people came in here to help us in the effort and from this — without going into all the details — mainly came proposals which would increase the compensation for the members of the Maine Legislature and increase the staff available to the Maine Legislature and it was mainly in the 106th that we passed this legislation and — perhaps you all don't have the same perspective as I do but I know today that we are sitting right here in the evidence of the success of this program. We have more and more people coming to the Maine Legislature who are in the productive years of their life, who are from the main stream of life who are interested in planning a state which will meet the needs, not just of themselves but of their children, and I firmly believe that this has been extremely successful and that if we were to stand by and allow any erosion to take place on this pay scale for Maine Legislators so that we would be working away from a situation where no one in the State of Maine is precluded from the possibility of becoming a part of the Maine Legislature because economically just can't make it, which was the case prior to this legislation then I think it is a big mistake.

I hope that you support Report "A" because it doesn't allow for any erosion from the situation or the position that we took in the 106th.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you do not support Report "A". I don't feel this is the right time for a raise.

It has been said by several speakers that we are faced with financial problems with the University of Maine, our Social Service programs and for us to sit here today and hide behind the cloak that this was passed by a previous legislature, I think is really a cop-out, if a cop-out can be called that.

While the debate was going on, across your desk came a communication from the University of Maine, how much more money they need and how much they are going to be hurting if they don't have this money.

Now, if there is any intention of helping these other services at all, I think this is a chance where we can save a little money to put to that cause.

Also, there has been some good bills heard that don't require too much money. Some bills only required \$3,000 appropriation or a \$6,000 appropriation and this would help in the Mental Retardation field or in the YMCA, when we had a bill before us on sales tax exemptions, so, we could use this money for those programs. I don't think that the people in the State of Maine are really ready for us to sit here and vote ourselves a pay increase when all we have heard this special session is the lack of money, fallen revenues, budget deficits, and then turn around and say, no, we want more money.

As far as coming down here, we come down here in the winter months we are paid very well for coming down here, no one is starving while they are here. When we go home, we go home during the warm weather and if anybody doesn't have any business on the side or any income on the side, during the warm weather is

when your jobs are very plentiful so if anybody has any ambition at all, I am sure they could go out and find a job in the summer so that they could raise a little money to support themselves in the summer, wait until they come back and pick up their \$1,000 check in the special session or their pay, which will be a regular session now. I am opposed to a pay increase. I would hope we would not go with Report "A" and maybe then go with Report "B" and take out any increase in that one through amendments.

Mr. Speaker, I understand Mrs. Martin asked for a roll call, is that right?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to vote for pay increase for us and I don't intend to vote for a pay increase for us. I don't see that this bill before us is a pay increase for us because if we were to kill the bill entirely, I think we would have the same amount of pay that the previous legislation intended us to have. The same thing I believe would happen if we vote for Report "A", we would have the same amount of money as the 106th intended us to have. The only difference is Report "B" which is basically a pay decrease, as the gentleman from Hampden, Mr. Farnham, testified. I think that is the question before us today, not voting us a pay increase as the newspapers have somehow distorted the issue but whether we will, in effect, vote ourselves a pay decrease. I think that is the issue that we have to face today.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I received no letters, no phone calls on this particular bill. However, I do feel that I know how the people, as a whole, feel on this issue.

In the last election there was a city-wide vote in my city and by a two-thirds margin, they voted to increase the salaries of the city councilmen and the mayor. So, I think we can say that the people do have some compassion and do feel that their representatives should receive a fair stipend.

I have no conflict insofar as the state employees are concerned because I do plan to vote to give them a decent pay increase.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the members of the Legislature to reject Committee Amendment "A" and go along with the Report that the gentleman from Hampden is supporting, Mr. Farnham, Report B.

I am strongly opposed to any pay increase for legislators which would exceed the rate of percent pay increase for state employee wages.

There are also many other reasons why I oppose this substantial raise. First, we received a 40 percent pay increase in the 106th Legislature. We received a 36 percent pay increase in the 107th Legislature.

Second, it has been demonstrated in many states that raising legislators salaries to high levels results in the creation of a light group of professional legislators, far from making it possible for a broader spectrum of people to enter public life, it acts to severely restrict it. The cost of campaigning rises, workers, retirees, housewives and in short, most all non-professional people are excluded from the legislative process. I personally believe in a citizens type legislature and not a professional or legislators legislature.

I don't see how we can sit here in Augusta today and allow ourselves a huge pay increase

and expect anyone to take us seriously if we urge them to economize.

It has always been easy to say, cut that program, but leave mine alone. The result has been that no programs are cut or eliminated.

Unless we refuse this raise today for ourselves, we will forfeit the ability to credibly demand austerity budgets from the various state departments and eliminate low priority programs. We will also be hard pressed to justify a 6.4 percent pay increase for state employees and a 26 percent pay increase for legislators.

If we take a firm stand on this bill today and recognize that austerity, like charity, must begin at home then the legislature will again be able to take the lead in restoring fiscal integrity to state government.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: There are several elements here that I would like to comment on and one is this percentage proposition. If you start with a very low base, obviously, the percentage looks very embarrassing. I don't know what the lowest paid state employee gets but I think I would be willing to settle for that because whatever it is, it is probably more than the legislature is getting now or would even get next year, even, not raising our salaries to any great height, just considering that alone, — if you look at your new bills for today, I think I noticed that there are six of them, the first one is 23 pages long, another one is 13, 14, 12, 8 and 5 or an average of 12 pages each. I am sure you have read the errors and inconsistencies bill, that is 25 pages long. This isn't small potatoes, it seems to me, this is a big time operation and the legislative portion of paying for this \$880 million or whatever it is budget is a fraction of a percent. It seems to me that the people of the State of Maine ought to be willing to support those of us who are making those decisions to a substantial degree even more than what we are getting now or what we will even be getting next time.

Some of you may have Social Security, that is fine, you can do that or you can chop a little wood or whatever. Some of you may not have a family to support, but what does that mean, that only people in certain circumstances ought to have an easier access to this body than others? What about those of us that do have to work during this session, as well as after this session, to make ends meet? Are we being able to deliver the services to our constituents in terms of the needs that they have? Answering their questions, listening to them on these bills that we are talking about, let alone take the time to read in detail all of these bills.

Now, we can leave it up to somebody else and hope they read it, not to mention all of these reports that we get that we all don't read. Part of the reason is that we just don't have the physical energy and time to do it all and part of the reason for that is that we have to survive economically even while we are here. One thing to say clearly is if you have to work at something else during this session and you can't be in the legislature, you shouldn't be in the legislature. I think that kind of thing is short changing the people of this state. If we are not talking about a professional legislature and I certainly don't like the notion of the word boss that has been brought up, the other alternative is an amateur legislature. An amateur board of directors running a nearly billion dollar business is not the way to run this state especially when people who have a very great stake in our decisions that are out in that hallway are far from amateur. In fact, their combined salary probably would pay for this legislature itself, those people have read the bills, by the way, they have read the reports, in fact, they have probably written a good chunk

of the bills that we are dealing with. That, I think is a very important consideration to keep in mind this morning.

I don't mind the roll call. I am surprised by the lack of it in the past but I am certainly one who would have called for a roll call today and be willing to justify to the people who may or may not vote for me again, why I thought it was in their interest to pay members of the legislature — and we are not giving ourselves a pay raise unless we are all arrogant enough to feel that we are all automatically going to be elected again. We should be voting on what a reasonable pay for a state legislator ought to be. If that is unreasonable to the people who will be making that decision in a few months, they will certainly let us know about it but it is the people who will be in this legislature next year.

There is usually a tremendous turnover in the composition of this legislature which means that there are a few professionals, in a sense, people who have been here year after year after year, they rise to be Speakers and things like that, but those people have more of a grasp of what is going on, and half of us are freshmen and next time half of us will be freshmen again, or maybe we will be second termers. In any event, that does not necessarily make for the best legislative body if the kind of system that doesn't allow people to sacrifice, year after year results in fact in a partially professional legislature, but excluding people who are more broadly representative from coming back here more than one term or two.

Mr. Speaker, it seems that the people, we have said it over and over again get what they pay for and what they are willing to pay for. If we are willing to run a nearly billion dollar business for the people of Maine, the people who make the decisions ought to be experienced enough in order to have the time to put in thoughtful attention to that business because it is the most important business in this state.

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

Mrs. SNOWE: Mr. Speaker and Members of the House: I am sorry about the aura of distrust created on this issue by the news media between the citizenry and the legislature.

I think this is particularly true and I am going to relate a little instance in regards to this. The other day a friend of mine was trying to reach me at my camp in Stratton from Farmington and called the operator to find my number. The operator knew who I was and knew I was a legislator. Anyway when it came time to pay for the call, the operator said to my friend, that will be 90 cents sir. He said, "Gee that is an awful lot from Farmington, to Stratton." She said, "Well, why didn't you call collect, the legislature just voted themselves a pay raise?"

In any case, I am a little dismayed about this distortion on the part of the news media. We certainly didn't introduce a bill in this legislature to vote ourselves a pay increase. Granted, this is a poor time and I recognize that and I am concerned about the state employees pay increase and I am also concerned about the University of Maine and I am also concerned about a lot of other things. I don't think we came here this session to vote ourselves a pay increase, nor did I think when I was signing the majority report that I was doing something in a sort of surreptitious manner or that I was misleading the public. The reason why I signed the majority report was because I felt the committees charge was to set the statutory limitations on the length of the session of this legislature and next legislatures because of the constitutional amendment. Within that particular statute, however, did include the salaries schedule, and as the gentleman from Brewer, Mr. Norris mentioned, if we hadn't altered that,

we would have been receiving a major pay increase.

I would also like to just mention briefly about a legislative compensation commission that was created by the 106th Legislature in 1973. It was a citizens compensation commission and I would like to read a paragraph within the letter to the members of the 106th Legislature. "We claim no perfection for any of our recommendations, but we can say that they were reached after careful study of the tasks that Maine Legislators perform and that the dollar figures mentioned are in all cases the most modest we could in conscience suggest."

I would also like to relate to you some reasons why they supported a recommendation of \$5,000 in the regular session and \$2,500 in the special session in 1973. I quote, "Not only does the present token commission severely restrict service in the legislature, it also places very undesirable burdens on the time and energies of those who do serve at present and are dependent on one or more jobs to maintain themselves. The commission heard of night shifts, weekend work, depressing searches for temporary out-of-session employment to replace a job loss because an employer could not retain a man or woman who had to be away in Augusta during a session. Clearly, this discourages many from serving. It should be emphasized that the only reason we do not find much more of this in the present legislature is that so few persons of modest means and with family responsibilities try it all. Modest salary increases for legislators for the 107th which this commission recommends will not alone be adequate to sustain a man or woman with any family responsibilities. Such a person will still have to have or find some employment out of session, but our proposal will relieve some of the grinding hand to mouth problems which some legislators now experience in piecing out a survival income."

Testimony also indicated that it would be easier to recruit able candidates as legislative compensation is increased.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to second some of the comments that the lady from Auburn made. I thought that was a very excellent presentation of the reasoning behind the majority vote for Committee Amendment "A", Committee Amendment "B", as you know, does call for decreasing the present pay during the second special session of the legislature.

I find it interesting that all of a sudden now this is making front page headlines and of great interest to people across the state when as far as I know, there was no bill which was being asked by anyone to be introduced into this special session which would have in any way reduced our pay and that is why I guess I find all of this talk, at this present time, when we knew what the financial situation in the state would be to be extremely interesting that now we are getting these comments.

Why do we even have a bill before us which deals with this section in the statutes? It is really solely because of the constitutional revision calling for annual sessions which was ratified by the electorate last November.

A new sentence in the constitution says that the legislature "shall" enact appropriate statutory limits on the length of the first regular session and the second regular session. So, we have no choice, we must deal with this section of the statutes and that is the only reason, the sole reason, why we have any bill whatsoever before us.

The 106th Legislature, I won't go into all of that, basically, passed that step increase and they were not, as indicated by others, attempting to benefit themselves. The constitution would even prohibit that and I think that is

very important for everyone to know, that we do have that constitutional provision which no legislature can pass a statute in which they would grant themselves a pay raise. I don't believe anybody has mentioned that.

The 106th instituted the pay raises acknowledging the wisdom of such actions. Many of you here today are here at a financial sacrifice, not only to you, but to your families as well. I know of several members who have said in the past exactly when they added up how much they might have to pay somebody else to run their hotel for them, one member mentioned that he felt that he had lost \$120,000 over ten years just to be present here at the legislature. I know of families involved here who actually are sacrificing so that a member of their family can serve the public here in our state legislature.

We have a citizen legislature. I understand the makeup of the legislature has changed over a period of time, we used to have a lot more retired people. I am afraid that if we really cut our pay and the pay which was suggested and voted into law by the 106th, that what we will end up having in addition to retired people are wealthy people and many, many housewives like myself and I don't know if that is really what you want. I mean, my husband supports me and there are many other housewives in that situation throughout the state, so people like me, could always run but many of the rest of you could not and many people have chosen not to run in the past just because of the financial hardship which would be made upon their own families. So, I really urge you very strongly to support Committee Amendment "A".

One thing that Mrs. Snowe mentioned, which I feel is particularly important, is that I think that this whole thing perhaps by members of the legislature, as well as by the press, can inadvertently has been extremely misleading. Our own Waterville Morning Sentinel of which I am very pleased and proud and think is a very fair paper, really had a very misleading headline last Thursday, "Legislative Pay Raise gets Nudge in Senate". It is really too bad because I am sure that their intention was not to mislead but that is really what has happened. We are not in any way talking about a pay raise when you look at Committee Amendment "A". We are talking about precisely what is being paid now for the special session when we get into second annual sessions, that is the \$1,000 plus \$25 per day. The only pay raise, at all, which the 106th put in for the 108th was during the first year of the biennium, what will be called the first regular session, so let me remind you that our second annual session will be precisely like our present session and not only will the pay be precisely the same but the business will be precisely the same. The constitutional change which we passed and which was ratified says that we can only address budgetary matters, what is included in the Governor's call, even that wording sounds like a special session and legislation of an emergency nature, legislation referred to committees for study and report in the second annual session and legislation presented by the voters through petition. So, we are really not changing at all from our present situation when we are going to that second annual session. So, I urge you, very strongly, to support Committee Amendment "A".

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Probably both the lady from Brunswick got me one fifth of the way out of my seat but the good lady from Waterville got me completely out of my seat when she made the remarks that things have changed. I can assure you that things have

changed. I can recall when we were talking about whether or not we can afford to be here. Professional politicians, I don't know what that is or non-professional politicians, I don't know what that is and amateurs, I know the difference between amateur and a pro, however, I think.

I would kind of go back a little bit about how things have changed. I can recall when I was first here when all laws were presented here and most of them were passed a few hundred yards away from here, there was no Senator Motel, there was no Twin-City Motel, there was no Holiday Inn, there was a few rooming houses and one second state house, the Augusta House. As I recall, I think, out of five of us from Lewiston, one of us had a job. The pay was \$600 a year. You got one check. I got \$504 to come to the legislature once and when I left the last day of the session, I got my last check. And incidentally, that first session, that was quickly changed. Incidentally, the first day of the session, if you wanted to, you could go down to the Treasurer's Office and get your \$600 clean. You can well imagine the spots that were a little bit vacant somewhere along the line. So things have changed.

As far as I am concerned, I voted the last time against the increase in salary and I did it probably in a rare moment probably of unselfishness. I felt I didn't need it, I didn't want it, and I think probably some of those would say that I probably stand here and serve for nothing or maybe pay for the privilege. I probably would do that. Even though sometimes I might get, like anybody else, a little aggravated, I still have a tremendous feeling of love for seat 78. But, things have changed and the lady from Waterville, Mrs. Kany, can't understand apparently why all the hubbub all of a sudden? Well, since we have been here, when we came in here, we were living on and still are, on borrowed money. We got \$10 million that we borrowed, we have got interest to pay on it and that note is due on June 30th, on a temporary loan. I can assure you that it will be renewed. If it is not renewed I can guarantee you that we won't be out of here very long before allotments are cut straight across the board equitably. I would say to at least the tune of five percent. Since we have been here we have found out that we are presently \$6,500,000 below the estimated revenues. I pray to God that that corrects itself and I have been praying to God that it would correct itself since we have been \$80,000. Maybe I better stop praying and maybe it would go down a little bit.

We have also passed a little bauble of \$18,500,000 without a hearing. Now I have got the audacity to suggest two cents on cigarettes after some suggested five cents on cigarettes.

Naturally we have got some people that might be wondering what we are doing to ourselves? I have tried to start opening my mail, you got yours, you joker, give me mine, I have been working for the state for 20 years, probably there is more than that in it.

I was delighted to learn something in the last week or ten days. You know when I say those yellow buttons and I was the devils advocate, I was the bad guy who never said a word, who kept voting for raises across the board all the time for state employees but I suddenly became the pigeon, and a coalition was formed. We are all in this together. The MTI, the Ask Me and the MSEA. You know that type of a let's be in this together — as it turned out and it turned out this way, one got \$18,500,000 and the other two are still hanging on, with zero. That just reminds me of another — let's stick together pack that is made of three people like the Speaker and our loveable Clerk and I, decided we are going to go first? Well, one guy is laughing himself all the way to the bank, and the other two are just hanging on hoping and praying I am trying

to help him. I voted against this thing the first time and I got upon my feet merely to try to explain to the good lady, who has left as usual, it is perfectly all right with me, at least she is not talking — I thought I would just explain as to what probably people are talking, we are not giving anybody else anything and we are going to give ourselves something. As far as I am concerned, I am happy as I am and that is exactly the way I am going to stay.

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.

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 Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I wish to pair my vote. If Representative Tom Perkins were here, he would be voting no and I would vote yes.

The SPEAKER: The gentleman from Hallowell, Mr. Stubbs, wishes to pair his vote with the gentleman from Blue Hill, Mr. Perkins. If the gentleman from Blue Hill, Mr. Perkins were here he would be voting nay and if the gentleman from Hallowell, Mr. Stubbs, were voting he would be voting yea.

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

ROLL CALL

YEA: Bachrach, Berry, P.P.; Bustin, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, Dow, Fenlason, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hinds, Hughes, Ingegnieri, Jensen, Joyce, Kany, Maxwell, Mills, Mitchell, Najarian, Norris, Pelosi, Powell, Quinn, Raymond, Rideout, Rolde, Silverman, Smith, Susi, Theriault, Tierney, Usher, Wagner, Winship.

NAY: Albert, Ault, Bagley, Bennett, Berry, G.W.; Berube, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Carter, Churchill, Dam, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Finemore, Garsoe, Gauthier, Gould, Gray, Greenlaw, Hewes, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McBreairty, McKernan, McMahon, Miskavage, Morin, Morton, Nadeau, Palmer, Peakes, Pearson, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Post, Rollins, Saunders, Shute, Spencer, Sprowl, Strout, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Tyndale, Walker, Webber, Wilfong.

ABSENT: Birt, Connors, DeVane, Faucher, Mulkern, Snow, Talbol.

PAIRED: Perkins, Stubbs.

Yes, 48; No, 93; Absent, 7; Paired, 2.

The SPEAKER: Forty-eight having voted in the affirmative and ninety-three in the negative, with seven being absent and two having paired, the motion does not prevail.

Thereupon, Minority "Ought to Pass" Report

was accepted in non-concurrence and the Bill read once.

Committee Amendment "B" (S-436) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, is it in line for an amendment at this time? Committee Amendment "B"?

The SPEAKER: The Chair would answer in the affirmative.

Mr. BURNS: Mr. Speaker, I have an amendment being prepared for Committee Amendment "B" and wish someone would table this until later in today's session.

On motion of Mr. Cooney of Sabattus, tabled pending adoption of Committee Amendment "B" and later today assigned.

The SPEAKER: At this time, the Chair would ask the gentleman from Winthrop, Mr. Bagley, the gentlewoman from Lincolnville, Mrs. Hutchings, the gentleman from Stockton Springs, Mr. Shute, the gentleman from Mapleton, Mr. Rideout, the gentleman from Wayne, Mr. Ault, and the gentleman from Waldoboro, Mr. Blodgett, to please escort the Agricultural Queens to the rostrum.

Sharon Hall of Mount Vernon was escorted to the rostrum by Representative Ault of Wayne, amid the applause of the House, the members rising.

Sandra Staples of Waldoboro, Grange Agricultural Queen, was escorted to the rostrum by Representative Blodgett of Waldoboro, amid the applause of the House, the members rising.

Charlene Harrington of Monmouth, Apple Queen, was escorted to the rostrum by Representative Bagley of Winthrop, amid the applause of the House, the members rising.

Patricia McCormick of Union, Blueberry Queen, was escorted to the rostrum by Representative Hutchings of Lincolnville, amid the applause of the House, the members rising.

Debbie McKeen of Searsport, Broiler Queen, was escorted to the rostrum by Representative Shute of Stockton Springs, amid the applause of the House, the members rising.

Susan Wanbaugh of Presque Isle, Potato Queen, was escorted to the rostrum by Representative Rideout of Mapleton, amid applause of the House, the members rising.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the Commissioner of Agriculture, Joseph Williams, to the rostrum.

Thereupon, Commissioner Williams was escorted to the rostrum by the Sergeant-at-Arms, amid the applause of the House, the members rising.

JOSEPH WILLIAMS: Mr. Speaker and Members of the House: This is going to be one of the shortest speeches you have heard today.

First, I want to express my appreciation for the opportunity to present our young ladies and then I would like to share just a few thoughts with you on Maine's Agricultural Day.

I think we all should be reminded, periodically, that Maine is really a natural resources state. The bulk of the people and the bulk of the economy in the state, whether it is wood work, paper, agriculture and food processing, this really is our forte from an economic sense, and I think this gives us an opportunity just to remind everybody that these are the two areas that produce the bulk of the taxes and the jobs and the input in the use of all the other businesses in the state are in these areas. I just wanted to take this opportunity to remind everybody of that.

Agriculture is an old, old business, and I think as a result of that, many times we are inclined to forget agriculture. It is as much

agriculture's fault as it is the fellow in the street. But I would like to state that agriculture in the State of Maine, as I see it, and the accompanying processing is the future industrially as far as the state is concerned. We have great opportunities in this area and two things are of great concern. One of them is, in order to be successful in agriculture, you have to have a top research and development program. Maine had this for many years; however, it is a fact that in the last two, three or four years, our research and development at the university level has suffered. It is critical that, if you are going to have a strong agriculture, you have your research and development.

The other area of great concern that has to be coped with is the matter of financing farm enterprises in the future. Very little farm financing is done today by commercial banks east of the Appalachian Mountains. Agriculture's responsibility, in my opinion, is to change that. We are going to need the banking community to finance farm operations in the future, as I see it. Research and development and financing, these are the areas that we have to solve to make sure that our agriculture stays strong and healthy.

Last, I would like to just comment that it seems a shame, with all the land we have and the opportunities here, that we buy our carrots in California which are 60 percent water. Imagine the cost of that water in freight from California to Portland. We certainly ought to be able to do something about that. (Applause)

The SPEAKER: The Chair is going to ask each of the queens to say a few words. This represents for the first time, by the way, in my recent history that we have done this on this basis, attempting to have all of them come on one particular occasion, rather than individually and I think it works out much better in the long run all the way around. This, of course, is the day designated by the Governor as Agriculture Day for Maine. The Chair would first like to ask the Apple Queen, Charlene Harrington of Monmouth to please come forward.

CHARLENE HARRINGTON: Good morning. I am supposed to be talking to you about the importance of apples to the State of Maine and I am sure that you probably expect me to say that the industry provides many different jobs for thousands of people and that apples are a healthy fruit and they make good cider. Well, they do and they are, but I am not.

I like apples — well, actually, I love apples and this all started way back before I got into this contest for queen. I just like cold, fresh, apples and when I have a chance, I like to offer a bite or a whole apple to friends, if I have a chance.

Apples are the fruit of love. In Greek mythology, a young man used three golden apples to win the love of a beautiful woman and it worked. You probably are saying, how does this make apples important, right? Well, in my opinion, anything that makes a person feel happiness, generosity, and love is very important. Have a nice day. (Applause)

The SPEAKER: One of the things that legislators are always very proud of is to see some of their former work come to bear fruit. The next person is the daughter of Dot McCormick, who served in this body with us for many years and is not with us but her daughter is here as Blueberry Queen and, Pat, would you please come forward?

PATRICIA MCCORMICK: Thank you very much. I would like to thank everyone here for inviting us down here. I know one of my wishes for my year was to come here because I knew some of the girls haven't had the opportunity to be here and know how the state is run and what it is like to be in front of all these people.

I am having a very nice year representing the blueberry industry. I have been to the Eastern States Exposition in Massachusetts and I have been to a Presidential dinner. I have seen the President and I have met with the Governor before but it is always a pleasure to meet him again. I wish to thank everybody here. (Applause).

The SPEAKER: Next is the Broiler Queen, Debbie McKeen of Searsport.

DEBBIE MCKEEN: I just want to take this opportunity to say that I have really enjoyed my past year as Broiler Queen. I have been to a lot of different places and have had a lot of good experiences. The broiler industry is the largest industry in the state and I just want to say that I am proud to represent it and thank you so much for inviting me here today. (Applause)

The SPEAKER: Next is the Potato Queen from Aroostook, Susan Wanbaugh of Presque Isle.

SUSAN WANBAUGH: Hello everyone. How are you today? I am representing Maine's number one crop and I have had a fine time doing this and I am going to enjoy a few more months doing it.

We are third in the nation, I believe, following Idaho and Washington in the industry. I have had a lot of contact with the Idaho people at conventions and things and they tease me a lot. Our market is basically east of the Mississippi River, although this year we are exporting to foreign countries, which I believe is very unusual — Italy, Portugal, South America, Sweden. I thought one thing you might be interested in was the change in prices over the period of years. In 1973 and 1974, potatoes were going for \$13 to \$14 a barrel. The next year, they were at \$1.50 a barrel. I think this shows you the economic changes that the potato grower has to face and I believe it is one of the biggest gambles in the farming industry.

I hope to see you all, and you might enjoy the Potato Festival in July when the potatoes are in blossom in Fort Fairfield, Maine. Thank you very much. (Applause.)

The SPEAKER: The Speaker is now pleased to present the Farm Bureau Queen, Sharon Hall of Mount Vernon.

SHARON HALL: Good morning. I would like to tell you a little bit about what I feel a farmer is and what Farm Bureau does for the farmers. The farmer is the backbone of America. He is a man who spends his years striving to make his farm work in order that he may support himself and his family. He is a man who is proud of his land and respects it in a way that only he can understand. Farming gives a farmer a very satisfying sense of independence, freedom, and pride, feelings that have become overshadowed by industrialization and people losing touch with nature.

The Maine Farm Bureau, with its over 3,500 members, is an organization designed to help the farmer in his struggle to survive. It promotes research leading to better fertilizer, seeds, livestock breeding, new crop varieties and improvements in marketing. It provides the farmer with legislative representation in government. It sponsors research of diseases, the building of hospitals and family insurance. It is an organization proud to represent the special breed of man who finds his life working the ground into a livelihood. It recognizes the importance of the American farmer in our economic system.

To summarize its importance, let me relate to you the words of William Jennings Bryant in his Cross of Gold speech of 1896. "Burn down your cities and leave our farms and your cities will spring up again, as if by magic, but destroy our farms and the grass will grow in the streets of every city in the country." Thank you for inviting me here. (Applause)

The SPEAKER: Now, Sandra Staples of Waldoboro, the Grange Agricultural Queen.

SANDRA STAPLES: Hello. It has really been nice being Queen this year and representing the grange in agriculture. It is really nice always meeting new people and I don't always remember their names but I remember their faces and it is really interesting meeting with them. I would like to thank you all for inviting me here today. (Applause)

The SPEAKER: I would like to introduce another group or their representatives that are here today in honor of Agricultural Day representing the Future Farmers of America — if they would please come to the rear of the hall, Scott Williams, who is the State President of the Maine Association of Future Farmers of America from Presque Isle; Vaughn Chase, who is the State Treasurer of the Future Farmers of America, also from Presque Isle, and Chuck Hotum, who is the State Sentinel from the Future Farmers of America from Mars Hill and they, of course, are the guests of the Aroostook County Delegation. What else? (Applause)

Also, two of the Pages who are here today representing 4-H, Derrick Remington and Randy Pulsifer, could they please stand and be recognized again? (Applause.)

Thereupon, the Sergeant-at-Arms escorted the Queens and their respective legislators from the hall of the House, amidst applause, the members rising.

(Off Record Remarks)

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers" (H. P. 2009) (L. D. 2191) on which the Minority "Ought to Pass" Report of the Committee on Transportation was read and accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" in the House on March 16, 1976. (Motion to Reconsider Failed)

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Transportation read and accepted in non-concurrence.

In the House:

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill which Representative Birt is quite interested in and due to a death in his family and funeral today he is unable to be here. I would appreciate it if someone would table this.

On motion of Mr. Rolde of York, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Amend the Definition of 'School Bus' to Include School Buses Rented from School Administrative Units by Nonprofit Organizations in Order to Transport Children" (Emergency) (H. P. 1930) (L. D. 2117) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-973) in the House on March 16, 1976.

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" (S-442) thereto in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, I move that the House recede and concur.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I haven't looked at this Senate Amendment real carefully, but would somebody explain to me whether this says that churches — if this is an amendment concerning the church organizations in the state, does it mean that they are going to have to comply with the school bus regulations?

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

The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: This does not change the original bill at all, it merely adds that the church buses receive the same protection as these buses that will now be used to transport children to boys' camps.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Maybe I didn't make myself clear, but if this amendment, as I understand it, religious groups using the buses not during school times but in the summer, it is going to require the house of religious worship to use lights and signs the same as schools do now, and if this is the case, which I haven't heard clarified any differently, I would, at this time, ask you to oppose the pending motion so that we could dispose of Senate Amendment "A".

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I, like the gentleman from Corinth, Mr. Strout, am somewhat unsure of exactly what this amendment does. It appears to do something very similar to a bill which was introduced during the regular session that the Transportation Committee spent a great deal of time trying to work on and trying to come out with something that was workable. As it turned out, we couldn't do it, and for that reason we ended up killing the bill.

I would ask that somebody table this for a day until the committee has had a chance to take a look at this.

On motion of Mrs. Najarian of Portland, tabled pending the motion of Mr. Fraser of Mexico to recede and concur and tomorrow assigned.

Messages and Documents

The following Communication: (H. P. 2220)
State of Maine

One Hundred and Seventh Legislature
Committee on Performance Audit

March 15, 1976

Legislative Council
107th Legislature
State House
Augusta, Maine 04333

Members of this Council:

In accordance with H.P. 529, an Order directing the Committee on Performance Audit to study the recommendations by the U.S. Department of Health, Education and Welfare about Maine's Aid to Families with Dependent Children Program, a copy of the Final Report of the Committee is attached.

Sincerely,

(Signed) RICHARD N. BERRY

Co-chairperson

(Signed) GEORGETTE B. BERUBE

Co-chairperson

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

ORDERS

Mr. Susi of Pittsfield presented the following

Joint Order and moved its passage: (H. P. 2219) WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Maine Central Institute "Preppers" New England 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.

Mr. Cox of Brewer presented the following Joint Order and moved its passage: (H. P. 2221) (Cosponsors: Messrs. Norris of Brewer, Wagner of Orono)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Edwin Wilson of Brewer for his heroic action in saving the lives of a Clifton family from possible death by fire.

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 Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, Richard Grindel, his wife and their 3-year-old daughter, Norma Jean, are alive today, according to fire officials, through the quick action of the two gentlemen we just recognized here on the floor of the House, Lt. Brian Houston, who is a police lieutenant in the Brewer Fire Department and his father-in-law, Edwin Wilson. They were traveling out Route 9, saw the fire, awakened the family and with the help of a state worker, saved the family's goods and moved them out of the house and then the house exploded and burst into flames just as they were completing their work. They continued on to Canada, and I bring out one more point, got back in time for Mr. Wilson to celebrate his 65th birthday.

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

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Cox of Brewer presented the following Joint Order and moved its passage: (H. P. 2222) (Cosponsors: Messrs. Norris of Brewer, Wagner of Orono)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Lt. Brian Houston Of The Brewer Fire Department For His Heroic Action In Saving The Lives Of A Clifton Family From Possible Death By Fire.

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.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Wilfong of Stow presented the following Joint Order and moved its passage: (H. P. 2227) (Cosponsors: Mr. Smith of Dover-Foxcroft, Mr. Martin of Eagle Lake, Mr. Spencer of Standish)

ORDERED, the Senate concurring, that the Committee on State Government shall report out a bill to facilitate the setting of financial and tax policy by the Legislature.

The Order was read.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to anyone of the members who cosponsored this order. Is this order similar to the release that Mr. Wilfong had on setting up a budgetary committee, and if it is, isn't it the general rule of thumb that it goes before the reference committee, and if it has been to the reference committee, what is their position on it as far as leadership is concerned.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a series of questions through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: In response to the good gentleman from Bangor's question, yes, it is a technical name for setting up a budget committee. It was given to the Reference of Bills Committee about a month ago and I really don't know what they have done with it since. They brought it up two or three times and I would like to know myself.

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

Mr. KELLEHER: Mr. Speaker, I direct this question to the leadership on both sides. Just what did happen to it if in fact this bill was presented over a month ago and there is an order in now for it? What is the reason?

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This bill was not presented to the Reference of Bills Committee while I was at a meeting. I know it was submitted to us, but it was never brought up for discussion. It may have been during the week that I was absent by illness. When I came back, I asked to have this brought before us and the next thing I knew, there was an order on the calendar last Friday asking the Reference of Bills Committee to report this out. Mr. Wilfong has changed his order now to have the Committee on State Government report out the same bill.

I would assure the members of this body that if it had been brought to me in the Reference of Bills Committee, I would have supported this order and I intend to support the order now.

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

Mr. KELLEHER: Mr. Speaker, after listening to the Majority Floor Leader's comments, I guess I would further comment by saying, is the Reference of Bills Committee, meaning leadership, going to take action on the proposal that Representative Wilfong apparently had presented to you a month ago?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed an additional question through the Chair to anyone who may care to answer.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: To answer the ques-

tion of the gentleman from Bangor, let me say this, this particular order has never been brought up at a Reference of Bills Committee meeting that I have attended.

While I am on my feet, this same order appeared before us last Friday, which you will find under tabled and today assigned matters, requesting Reference of Bills to report out this bill and now we go to the Committee on State Government. I don't want to take up much time this morning, because I know the hour is late, but I do want to reiterate what I said last Friday that I think this House should well understand.

I am not in any way debating the merits or demerits of this particular proposal. What I am saying to you is that we do have, and I mentioned it last Friday, a study going on right now at a significant cost to the Maine Legislature to review our entire legislative structure. And when the National Legislative Leadership Conference, or whatever it is called, makes its report, which will be sometime in a year to 18 months from now, all recommendations will be considered by this legislature. This being a study which is quite costly and which may deal with the scene, in other words, I think last week you all received a questionnaire, a lengthy questionnaire, asking you all sorts of questions about your opinions on committee work and so forth in this legislature. Those have to be sent back, they have to be collated and discussed and recommendations will be made in time.

My only complaint this morning is, as last Friday, why do we as a legislature pay as much as perhaps \$16,000 for a study to be made on committees, budget procedures, appropriations committee, etc., and while the study is going on, report out a bill which we may or may not pass and which 16 months from now may be recommended or may not be recommended? It seems to me that we should not go ahead with this end, after all, it is very, very late in the session. We have two weeks left to go and we are talking about reporting out a very serious bill which may take much, much time and yet we know that at the same time, I think I referred to it last Friday, that page 13 or 14, or whatever on your questionnaire very definitely zeroes in on the problem of appropriations and the way we make up our budgets. It just seems to me that since we are investing a significant amount of money in a particular project, it is rather foolish of the legislature, without even hearing from that report and which we will not hear from for probably a year, that we should go ahead and make changes now which may be outdated twelve months from now. So on that basis, I would oppose passage of this order.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I guess the question I am asking is, where is the original proposal that Representative Wilfong presented five or six weeks ago? Was it presented to the Reference of Bills Committee, and if it was, was it turned down or is it still there? That is the question I guess I should be addressing myself to. I know what the direction of this order is and I think I understand what the order is on the table, as well as the floor leaders and members of this House. All I want to know is, where is the Wilfong proposal that was made five or six weeks ago?

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

Mr. PALMER: Mr. Speaker, I don't think a proposal was ever presented to the Reference of Bills Committee.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I think the answer of

the gentleman from Nobleboro is correct, it was not presented to us. I, for one, feel quite badly that it was not presented for us to act on it one way or another.

I suspect that since this has been quite a very controversial issue, quite possibly the Reference of Bills Committee would have turned down this bill and then Mr. Wilfong would have come with his order again. I feel that the argument that there is not enough time to act on this is not a very valid one, simply because the Reference of Bills Committee did not act when it should have. I, for one, want to apologize to the sponsor of this measure because I know he has worked very hard on this particular proposal for a legislative budget committee.

I would reject the argument of the gentleman from Nobleboro that we are spending great sums of money on some sort of a study of the legislature. We are matching, I think, \$8,000 from another foundation. I don't think we ever discussed with Mr. Lakis the setting up of a budget committee which is similar to the types of budget committees that have been set up by the United States Congress which have worked with some great effect in cutting down the growth of spending in government. I think there is some very definite need for our acting on this right now, because if we are to act on this and we are to create a committee like this, it will be in place for the 108th Legislature.

One of the things that this bill does, and I am sure the sponsor, Mr. Wilfong, will explain it much better than I can, is to try and set priorities and to set total budgetary goals for the legislature, and to do this early on in the process so that we don't get into the kind of situation that we have seen already in this special session where the only thing we were able to deal with when we first came in here was the education bill. That took all of our attention and practically all of our resources.

Earlier today in the debate that we had over our salary and how that would be taken care of in the next session, I was struck by the remarks of the gentleman from Bar Harbor, Mr. MacLeod, who talked about the growth in the federal budget and if the attitudes of the past persist, in his words, we are in for trouble. This is a chance for us to break with the attitudes of the past and I hope you will listen very carefully to the gentleman from Stow, Mr. Wilfong, who will explain what he has in mind with this proposed budget committee.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: First of all, in partial answer to what Representative Kelleher asked, I don't know exactly what it means to have it brought up before the Reference of Bills Committee, but I submitted it to them a month ago. I gave them the bill.

To go a little further, I think it is very necessary that we start working with some sort of a budget plan. We have committees that screen bills pertaining to the natural resources of this state, pertaining to agriculture, pertaining to appropriations, but we don't have anything that screens the budget, the Governor's budget document. I submit to you that it is very important. In light of the budget problems that we are now facing in this state, to somehow get a handle on it and have that handle be gotten on by the members of the legislature, who have the constitutional responsibility to raise taxes and to appropriate money.

We saw the school budget roll in here and it got top priority. I am not saying that maybe we won't give it top priority, but perhaps we should have a mechanism before us that will enable us to look at the school budget and all the other budget requests coming from within state government. My budget committee plan would

do this. We would be able to vote on a game plan, if you will, so that we would be able to deal with the broad priorities in state government and go on record early on as to how we would like to fund each of those priorities. We would set a ceiling on the budget and we would have another mechanism in which we would set the broad tax mix, so that we would first of all know how much money we were going to raise; secondly, where we are going to spend that amount of money; and, thirdly, how we are going to raise that amount of money early on. I think that is a very important thing to do.

As far as answering some of the questions of the good gentleman from Nobleboro, I think that we should get working on this thing, regardless of what Mr. Lakis said that he would support my proposal at a State Government Committee hearing. So I think sometimes if we want to kill something, we just put it out for study and we say, well, we will put it off.

But I don't think we should put this off. I think that the order today is asking that we at least give this bill an opportunity to have a hearing. The Governor put two bills in on Friday, and we have got plenty of time to deal with this bill, and I think the least we can do for the 108th is at least have some discussion and perhaps pass a bill that will form a budget committee for the 108th Legislature.

Mr. Kelleher, I see, is asking where the bill is. The bill is still in Reference of Bills Committee, I presume.

Mr. Kelleher of Bangor was granted permission to speak a third time.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a principle involved here, first by the position that Mr. Wilfong took in presenting a bill five weeks ago and I understand, looking around at both corners of the House, leadership doesn't seem to know where the bill is. So I would respectfully ask that someone table this order and perhaps we can get hold of Mr. Keene, tracer of lost persons, and he can be the tracer of a lost bill, and find out exactly what happened to the bill five weeks ago. I think the House should be in a position from leadership to know exactly where it was. Perhaps Mr. Wilfong's order won't even be necessary, because leadership themselves may find the bill, but he doesn't know where the bill is and he claims he presented. Leadership is confused, because they have not seen the bill, so I would respectfully ask that someone table this order and then we will find out where the bill is and perhaps we won't even need the order.

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

Mr. LaPOINTE: Mr. Speaker, I ask that this be tabled for one legislative day.

Thereupon, Mr. Goodwin of South Berwick requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that this matter be tabled pending passage and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 24 having voted in the negative, the motion did prevail.

House Reports of Committees Ought Not to Pass

Mr. Maxwell from the Committee on Taxation on Bill "An Act Relating to an Increase in the Corporate and Individual Income Tax Rates" (H. P. 1952) (L. D. 2137) reporting "Ought Not to Pass."

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Improve Solid Waste Management in this State" (H. P. 2089) (L. D. 2248) reporting "Ought Not to Pass"

Was placed in the Legislative Files, without

further action, pursuant to Joint Rule 17-A, and sent up for concurrence.

Leave to Withdraw

Mr. Burns from the Committee on Legal Affairs on Bill "An Act Clarifying the Right-to-Know Statute" (H. P. 1905) (L. D. 2092) reporting "Leave to Withdraw"

Mr. Burns from the Committee on Legal Affairs on Bill "An Act Concerning the Definition of Public Proceedings and Concerning the Keeping of Minutes Under the Right-to-Know Law" (H. P. 1978) (L. D. 2168) reporting "Leave to Withdraw"

Reports were read.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: We had three bills in Legal Affairs dealing with right-to-know. These two bills were granted leave to withdraw and everything was incorporated which shows up in item six today.

Thereupon, the Reports were accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act to Revise the Liquor Laws of Maine" (H. P. 2024) (L. D. 2199) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Revise the Statutes Concerning Alcoholic Beverages" (H. P. 2223) (L. D. 2311)

Mr. Carey from the Committee on Legal Affairs on Bill "An Act to Permit Executive Sessions in Certain Labor Negotiations" (H. P. 1891) (L. D. 2071) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316).

Reports were read and accepted, the New Drafts read once and assigned for second reading tomorrow.

Ought to Pass with Committee Amendment

Mr. Ingegeri from the Committee on Education on Bill "An Act Providing for a Comprehensive State-Wide Program of Primary Prevention of Alcohol and Drug Abuse and other Forms of Socially Disruptive and Potentially Self Destructive Human Behavior" (H. P. 1800) (L. D. 1959) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1006)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-1006) was read and adopted and the Bill assigned for second reading tomorrow.

Ought to Pass Printed Bill

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Exempt Community Based Retardation Services From the Sales Tax" (H. P. 2070) (L. D. 2240) reporting "Ought to Pass"

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Election Laws on Bill "An Act Relating to the Registration of Voters" (H. P. 2039) (L. D. 2212) reporting "Ought Not to Pass"

Report was signed by the following members:

Mr. O'LEARY of Oxford — of the Senate.
Mrs. BOUDREAU of Portland
DURGIN of Kittery

Messrs. FAUCHER of Solon
SHUTE of Stockton Springs
CALL of Lewiston
KENNEDY of Gray
BUSTIN of Augusta

— of the House.
Minority Report of the same Committee reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1014)
Report was signed by the following members:

Messrs. BERRY of Cumberland
CORSON of Somerset

— of the Senate.
Messrs. BIRT of East Millinocket
MACKEL of Wells
TALBOT of Portland

— of the House.

Reports were read.
(On motion of Mrs. Boudreau of Portland, tabled pending acceptance of either Report and tomorrow assigned.)

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Election Laws on Bill "An Act Relating to Absentee Voting" (Emergency) (H. P. 2212) (L. D. 2271) reporting "Ought Not to Pass"

Report was signed by the following members:

Mr. O'LEARY of Oxford

— of the Senate.

Mrs. BOUDREAU of Portland

DURGIN of Kittery

Messrs. FAUCHER of Solon

SHUTE of Stockton Springs

CALL of Lewiston

KENNEDY of Gray

BUSTIN of Augusta

TALBOT of Portland

— of the House.

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

Messrs. CORSON of Somerset

BERRY of Cumberland

— of the Senate.

Messrs. BIRT of East Millinocket

MACKEL of Wells

— of the House.

Reports were read.

(On motion of Mrs. Durgin of Kittery, tabled pending acceptance of either Report and tomorrow assigned.)

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Amend the Rules for Legislative Investigation Committees" (H. P. 2033) (L. D. 2205) reporting "Ought Not to Pass" Report was signed by the following members:

Mr. MERRILL of Cumberland

— of the Senate.

Mrs. MISKAVAGE of Augusta

Messrs. HUGHES of Auburn

McMAHON of Kennebunk

HEWES of Cape Elizabeth

HOBBINS of Saco

HENDERSON of Bangor

SPENCER of Standish

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1017)

Report was signed by the following members:

Messrs. COLLINS of Knox

CLIFFORD of Androscoggin

— of the Senate.

Messrs. BENNETT of Caribou

PERKINS of South Portland

— of the House.

Reports were read.

On motion of Mr. Spencer of Standish, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Six Members from the Committee on Judiciary on Bill "An Act Relating to Conflicts of Interest in Offices Subject to Legislative Confirmation" (H. P. 2127) (L. D. 2279) reporting in Report "A" that the same "Ought to Pass"

Report was signed by the following members:

Messrs. MERRILL of Cumberland

COLLINS of Knox

— of the Senate.

Messrs. HENDERSON of Bangor

SPENCER of Standish

HOBBINS of Saco

HUGHES of Auburn

— of the House.

Six Members from the same Committee reporting in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Mr. CLIFFORD of Androscoggin

— of the Senate.

Mrs. MISKAVAGE of Augusta

Messrs. HEWES of Cape Elizabeth

PERKINS of South Portland

BENNETT of Caribou

McMAHON of Kennebunk

— of the House.

Reports were read.

On motion of Mr. Hobbins of Saco, Report A, "Ought to pass" was accepted, the bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act to Set the Unemployment Insurance Rate for New Employers at the Average Contribution Rate for All Employers in the Previous Year" (H. P. 2144) (L. D. 2284) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1010)

Report was signed by the following members:

Messrs. ROBERTS of York

McNALLY of Hancock

— of the Senate.

Mrs. CHONKO of Topsham

TARR of Bridgton

Messrs. TEAGUE of Fairfield

SNOW of Falmouth

FLANAGAN of Portland

PEARSON of Old Town

MARTIN of St. Agatha

TIERNEY of Durham

LAFFIN of Westbrook

SPROWL of Hope

— of the House.

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

Report was signed by the following member.

Mr. PRAY of Penobscot

— of the Senate.

Reports were read.

On motion of Mr. Tierney of Durham, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-1010) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act Relating to the Effective Date of Each Individual Establishing a Benefit Year under the Unemployment Law" (Emergency) (H. P. 2145) (L. D. 2285) reporting "Ought Not to Pass"

Report was signed by the following members:

Messrs. ROBERTS of York

PRAY of Penobscot

McNALLY of Hancock

— of the Senate.

Mrs. TARR of Bridgton

Messrs. PEARSON of Old Town

SPROWL of Hope

TEAGUE of Fairfield

TIERNEY of Durham

SNOW of Falmouth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1007)

Report was signed by the following members:

Messrs. LAFFIN of Westbrook

FLANAGAN of Portland

— of the House.

Reports were read.

(On motion of Mr. Mills of Eastport, tabled pending acceptance of either Report and specially assigned for Wednesday, March 24.)

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Labor on Bill "An Act to Strengthen the State Unemployment Trust Fund" (H. P. 2148) (L. D. 2287) reporting "Ought Not to Pass"

Report was signed by the following Members:

Messrs. PRAY of Penobscot

ROBERTS of York

— of the Senate.

Mrs. CHONKO of Topsham

Mrs. TARR of Bridgton

Messrs. TIERNEY of Durham

TEAGUE of Fairfield

FLANAGAN of Portland

SNOW of Falmouth

PEARSON of Old Town

MARTIN of St. Agatha

LAFFIN of Westbrook

— of the House.

Minority Report of the same Committee reporting "Ought to Pass as Amended by Committee Amendment "A" (H-1009)

Report was signed by the following members:

Mr. McNALLY of Hancock

— of the Senate.

Mr. SPROWL of Hope

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

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

The SPEAKER: The gentleman from Durham, Mr. Tierney, moves the House accept the Majority "Ought not to pass" Report.

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

Mr. SPROWL: Mr. Speaker, I would like this tabled for one legislative day in that it is so late. I am going to oppose that report. Unless you want to get into a lengthy speech by me, I would table it for one day.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Tierney of Durham to accept the Majority Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Marine Resources on Bill "An Act to Allocate Part of Lobster and Crab Fishing License Fees to the Lobster Fund and Boat Fund" (H. P. 2079) (L. D. 2242) reporting "Ought to Pass"

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. BERRY of Cumberland
REEVES of Kennebec
-of the Senate.

Mrs. POST of Owls Head
Messrs. BLODGETT of Waldoboro
MILLS of Eastport
JENSEN of Portland
GREENLAW of Stonington
WEBBER of Belfast
JACKSON of Yarmouth
MACKEL of Wells
CURTIS of Rockland
-of the House.

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

Report was signed by the following member:
Mr. CONNERS of Franklin
-of the House.

Reports were read.

On motion of Mr. Greenlaw of Stonington, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Natural Resources on Bill "An Act to Redefine 'Sub-division' in the Site Location and Development Act" (H. P. 1979) (L. D. 2169) reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1000)

Report was signed by the following members:

Messrs. WYMAN of Washington
O'LEARY of Oxford
-of the Senate.

Messrs. CURRAN of Bangor
HALL of Sangerville
CHURCHILL of Orland
WILFONG of Stow

Mrs. HUTCHINGS of Lincolnville
-of the House

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

Report was signed by the following members:

Messrs. PETERSON of Windham
DOAK of Rangeley
-of the House.

Mr. TROTZKY of Penobscot
-of the Senate
Abstaining.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Waldoboro, Mr. Blodgett, moves the House accept the Majority "Ought to pass" Report.

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

Mr. DOAK: Mr. Speaker and Members of the House: As a signer of the minority report, I am not going to discuss or debate this at any length today, but I am going to ask that the ladies and gentlemen of this House take a very long look at this bill we are trying to put through at this time. I would hope that you would do the same thing that I did, look at the subdivision laws of this state, and I do say laws. There are three definitions of subdivision on the books at this present moment and this particular bill proposes to put another one on it. All I am doing at this point is bringing it to your attention, suggesting that you take a look, determine what you want to do with it, and we will talk about it later.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-1000) was read

by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems" (H. P. 2206) (L. D. 2306) reporting "Ought Not to Pass"

Report was signed by the following members:

Mr. TROTZKY of Penobscot
-of the Senate.

Mrs. HUTCHINGS of Lincolnville
Messrs. DOAK of Rangeley
CURRAN of Bangor
McBREARITY of Perham
AULT of Wayne
PETERSON of Windham
-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. O'LEARY of Oxford
Mr. WYMAN of Washington
-of the Senate

Messrs. HALL of Sangerville
CHURCHILL of Orland
BLODGETT of Waldoboro
WILFONG of Stow
-of the House

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Waldoboro, Mr. Blodgett, moves that the House accept the Minority "Ought to pass" Report.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I hope we oppose this motion unless someone can give us a reason to accept an "ought to pass" report on this bill. I would request a vote on the motion.

Whereupon, on motion of Mr. Farley of Biddeford, tabled pending the motion of Mr. Blodgett of Waldoboro to accept the Minority Report and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government on Bill "An Act to Establish a Division of Travel Information" (H. P. 2022) (L. D. 2201) reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1012)

Report was signed by the following members:

Messrs. WYMAN of Washington
CURTIS of Penobscot
GRAHAM of Cumberland
-of the Senate.

Mrs. KANY of Waterville
SNOWE of Auburn
Messrs. COONEY of Sabattus
CARPENTER of Houlton
LEWIN of Augusta
PELOSI of Portland
STUBBS of Hallowell
WAGNER of Orono
QUINN of Gorham
-of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-1013)

Report was signed by the following member:
Mr. FARNHAM of Hampden
-of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report and further move that this lie on the table for one legislative day.

Thereupon, on motion of Mr. Cooney of Sabattus, tabled pending his motion to accept the Majority Report and tomorrow assigned.

Divided Report Tabled and Assigned

Seven Members from the Committee on Taxation on Bill "An Act to Improve Solid Waste Management" (H. P. 2090) (L. D. 2249) reporting in Report "A" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland
-of the Senate.

Messrs. IMMONEN of West Paris
FINEMORE of Bridgewater
TWITCHELL of Norway
MAXWELL of Jay
DRIGOTAS of Auburn
-of the House.

Five Members from the same Committee reporting in Report "B" that the same "Ought to Pass" in New Draft Under New Title Bill "An Act to Strengthen Litter Laws and Improve Solid Waste Management in this State" (H. P. 2225) (L. D. 2315)

Report was signed by the following members:

Mr. MERRILL of Cumberland
-of the Senate.

Messrs. COX of Brewer
MORTON of Farmington
SUSI of Pittsfield
MULKERN of Portland
-of the House.

One Member from the same Committee reporting in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-1015)

Report was signed by the following member:
Mr. DAM of Skowhegan
-of the House.

Reports were read.

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

Mr. DRIGOTAS: Mr. Speaker, I move we accept Report A, "Ought not to pass".

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, moves the House accept Report A "Ought not to pass."

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

Mr. McKERNAN: Mr. Speaker, a point of parliamentary inquiry. There has been a lot of debate on whether or not this particular version would be let in, and I wonder if the Speaker would make a ruling on that, and if in fact the bill can be let in, I would hope that somebody would table it for two days. If not, we don't have to worry about it.

The SPEAKER: The Chair thanks the gentleman from Bangor, Mr. McKernan, for the request. The Chair has been researching the matter for two weeks and the Chair would like to read the following ruling: Joint Rule 28 provides that measures that are finally rejected in the regular session, they shall not be reintroduced. This was adopted in 1974. Joint Rule 28 must be read in conjunction with Joint Rule 3, which was amended in 1975 to reflect the new status of the joint standing committees, that said committees now are being authorized by statutes, 3 MRSA, Section 165, to study and to report on matters assigned by the Legislative Council. The 1975 amendment to Joint Rule 3 provides that "if a committee responds to an order directing inquiries upon any matter by presenting a report recommending legislation,

such legislation shall be introduced when the report is transmitted to the legislature."

Having been adopted subsequent to the adoption of Joint Rule 28, it must be presumed to have been adopted in full awareness of the provisions of that rule. In the present case, by order, House Paper 1669, which was properly adopted in both the Houses on June 5, 1975, the Legislature directed the Legislative Council to assign to the Natural Resources Committee the subject of recycling consumer and industrial goods and material and to report its finding with recommendations and legislation to the next regular or special session.

Introduction of bills pursuant to the study orders under Joint Rule 3 was specifically recognized in the cloture order which was adopted in both branches on January 19 and January 20, 1976, which exempts bills and resolves reported by any joint standing committee in the regular course of business. Pursuant therefore to the following, I hereby rule that the matter is germane and is not in violation of Joint Rule 82.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending the motion of Mr. Drigotas of Auburn to accept Report A and specially assigned for Wednesday, March 24.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Taxation on Bill "An Act to Provide Funding for Action on Solid Waste Litter" (H. P. 2091) (L. D. 2250) reporting "Ought Not to Pass"

Report was signed by the following members:

Mr. MERRILL of Cumberland — of the Senate.

Messrs. MORTON of Farmington
COX of Brewer
DRIGOTAS of Auburn
MAXWELL of Jay
TWITCHELL of Norway
SUSI of Pittsfield
FINEMORE of Bridgewater
MULKERN of Portland
DAM of Skowhegan

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 2224) (L. D. 2314) on the same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland

— of the Senate.

Mr. IMMONEN of West Paris — of the House.

Reports were read.

On motion of Mrs. Najarian of Portland, tabled pending acceptance of either Report and specially assigned for Wednesday, March 24.

The following paper from the Senate appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 767)

ORDERED, the House concurring, that the Joint Standing Committee on Education shall report out "An Act Clarifying the Source of Payment of Bonds, Notes and Other Evidence of Indebtedness Issued for School Purposes."

Came from the Senate, read and passed and ordered sent forthwith.

In the House, the Order was read and passed in concurrence.

Consent Calendar

First Day

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

(H. P. 1982) (L. D. 2151) Bill "An Act

Relating to Voting Places in Certain Unorganized Townships" — Committee on Elections Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1003)

(H. P. 2147) (L. D. 2289) Bill "An Act to Permit the Town of Camden to Vote on June 8, 1976 on Certain Local Option Questions Concerning the Sunday Sale of Liquor" (Emergency) — Committee on Liquor Control reporting "Ought to Pass"

(H. P. 2092) (L. D. 2251) Bill "An Act to Enable Counties to Hire County Administrators" — Committee on Local and County Government reporting "Ought to Pass"

No objection having been noted, were ordered to appear on the Consent Calendar of March 23 under listing of Second Day.

(H. P. 2094) (L. D. 2253) Bill "An Act to Change County Budgets to an Annual Basis" — Committee on Local and County Government reporting "Ought to Pass"

On the request of Mr. McMahon of Kennebunk, was removed from the Consent Calendar.

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

(H. P. 1929) (L. D. 2116) Bill "An Act to Grant the Power to Confer Graduate Degrees of Doctor of Osteopathy to St. Francis College of Biddeford" — Committee on Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1005)

(H. P. 2174) (L. D. 2297) RESOLVE, Authorizing Merrilyn Young, or her Legal Representative, to Bring Civil Action Against the State of Maine — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1011)

(H. P. 2052) (L. D. 2219) Bill "An Act to Conform Certain Maine Statutes to the 14th Amendment of the Constitution of the United States, to Title VII of the United States Civil Rights Act of 1964, as Amended in 1972, and to the Maine Human Rights Act." — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1008)

(H. P. 1866) (L. D. 2037) Bill "An Act to Clarify Various Statutes Relating to Superior Court Fees and Costs" (Emergency) — Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1016)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 23, under listing of the Second Day.

Consent Calendar

Second Day

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

(H. P. 1927) (L. D. 2114) Bill "An Act Relating to Confering Degrees by Thomas College" (C. "A" H-994)

(H. P. 2190) (L. D. 2302) Bill "An Act Increasing the Indebtedness Limit of the Mexico Sewer District and Creating a Special Debt Limit for Interim Financing." (Emergency)

No objections having been noted, were passed to be engrossed and sent up for concurrence.

(H. P. 1983) (L. D. 2165) Bill "An Act Relating to Charitable Solicitations" (C. "A" H-996)

On the request of Mrs. Boudreau of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-996) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1904) (L. D. 2091) Bill "An Act Concerning the Analysis of Unexpended Balance and Payment Maximums under the Aid for Dependent Children Program"

(H. P. 2121) (L. D. 2270) Bill "An Act to Permit an Employee to Review His Personnel File" (C. "A" H-999)

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

Second Reader

Later Today Assigned

Bill "An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud Against the State" (Emergency) (H. P. 2155) (L. D. 2290)

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

(On motion of Mr. DeVane of Ellsworth, tabled pending passage to be engrossed and later today assigned.)

Passed to Be Engrossed

Amended Bills

Bill "An Act to Revise the Personnel System" (S. P. 677) (L. D. 2166) (C. "A" S-433 as amended by H. "A" H-1001)

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

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

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

(On motion of Mr. Tierney of Durham, tabled pending passage to be engrossed as amended and later today assigned.)

Passed to Be Enacted

Emergency Measure

An Act to Reconstitute School Administrative District No. 42 (H. P. 2059) (L. D. 2237)

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. 109 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 to Establish a Program to Protect the Clam Fishery from Green Crab Predation (H. P. 2200) (L. D. 2303)

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

Enactor

Later Today Assigned

An Act to Require an Annual Governor's Report on Employment and the Economy (S. P. 720) (L. D. 2256)

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

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

Mr. NORRIS: Mr. Speaker, I would ask any member of the Committee that heard this bill just exactly what it does. Is it necessary? We seem to be getting all kinds of reports and

maybe someone could table this until later in today's session.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending passage to be enacted and later today assigned.

Passed to Be Enacted

An Act to Extend the Exemption for Sternmen on Lobster Fishing Boats from Coverage under the Employment Security and Workmen's Compensation Laws (H. P. 1890) (L. D. 2070) (C. "A" H-979)

Were 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.

On request of Mrs. Najarian of Portland, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mr. Palmer of Nobleboro.

Recessed until 4:30 in the afternoon.

After Recess

4:30 p.m.

The House was called to order by the Speaker.

Orders of the Day

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

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 18 by Mr. Rolde of York.

Pending — Passage to be Engrossed.

On motion of Mr. Cooney of Sabattus, retabled pending passage to be engrossed and specially assigned for Wednesday, March 23.

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

JOINT ORDER Relative to Reference of Bills Committee reporting out a Bill to Facilitate the Setting of State Financial and Tax Policy by the Legislature (H. P. 2216) — In House, read March 19

Tabled — March 19 by Mrs. Najarian of Portland.

Pending — Passage

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Since this order came to us in a different form earlier today and that order has been tabled, apparently this order really is not necessary and I would move for its indefinite postponement.

Thereupon, on motion of Mr. Rolde of York, the Order was indefinitely postponed.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-993) — 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)

Tabled — March 19 by Mrs. Najarian of Portland.

Pending — Motion of Mr. Doak of Rangeley to Accept the Majority "Ought Not to Pass" Report.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I see that Mr. Doak is not here, but I would like to speak my piece on this bill anyway.

I hope you will vote to defeat the "ought not to pass" report today and instead approve the minority "ought to pass" report.

If Brunswick were the only town in Maine confronted by this difficult problem of finding a landfill site, I would hesitate to take the time of this body to consider the question. But the selection of a suitable area for solid waste disposal is facing many communities in the state. The coastal communities with their soil problems are the ones with the toughest situations, but there are lakeside and mountainous areas also where there is little or no land suitable for landfill.

It would seem then that there should be some other means of solving the problem of what to do with municipal waste, and this question was addressed by a special committee in Brunswick. The members of this committee included representation from the Town Council, the Planning Board, the Naval Air Station Bowdoin College, the Conservation Commission, the Public Works Director, the Town Manager and his assistant and an engineer working for the Southern Maine Regional Planning Commission.

For nearly two years, we sought information and studied various potential methods and found that there is at present no alternative available for communities from ten to thirty thousand people or so that is feasible and possible from an economic standpoint. Incinerators are exceedingly costly and need frequent repairs. Shredding and baling is only a volume reduction process and still requires a landfill eventually. Mechanical resources recovery systems are not economically feasible for fewer than about 50,000 people. Digesters do not handle a sufficient range of municipal waste, which is also true of composters, so that one must again have a considerable landfill to take care of the rest of the waste.

The previous legislature considered a bill to make grants for study and planning for solid waste disposal, but it did not pass. Brunswick also repeatedly supported bills for returnable bottles in the interest of reducing volume of waste and has for some time conducted a paper recycling program. In spite of all these efforts, here we are two years later with a dump which is within 300 feet of a small stream which flows into a larger brook and on to Maquoit Bay, a well known clamming area now partially closed because of pollution which may very well be due to the dump.

Brunswick is now under injunction from the DEP requiring that we close our dump and create a landfill in compliance with strict soil and water restrictions imposed by the state. Having resigned ourselves that the best we could do at present was to have a landfill, we began looking for a site. After several months of effort, with the aid of our Southern Mid Coast Regional Planning Commission engineers and many soil maps, and after testing numerous sites, we still do not have a solution. There shown on our soil maps some other potential areas to test, but at this point, we have run into the problem that the owners of these sites have refused permission for testing the soil.

Since a municipality is allowed by law to take land for the public health and necessity as it requires it, the town could condemn all of these sites, but it doesn't make sense to take land before you have determined that it will be suitable, and so we need to be able to make the tests.

I could run this Catch 22 situation around a few more times, but I am sure you all understand what the problem is.

As I said before, towns in general along the coast are plagued with the difficulty of finding soils for landfill and not too close to brooks and streams, or with the water table only a few inches below grade level.

Of the towns in the Southern Mid Coast Planning Region, half a dozen are in a position similar to Brunswick. Bath has written a letter in support of the bill. Harpswell, which has found no possible sites, has written that it hopes to find relief by joining with Brunswick, and West Bath uses the Bath dump. The only ones in good shape are the towns which use the neighbor's dump.

This problem doesn't worry towns with populations under a thousand which can still burn solid waste, or inland towns with suitable soils, but I have tried to put myself in your places in regard to rural problems, and I hope you will look kindly on mine today. Confronted by an injunction from the DEP, we are truly in a desperate situation.

We all know that no one likes a dump and to most people, a landfill is a dump. However, since a town, for the health and safety of its citizens, is entitled to take land by eminent domain, our desire with this bill is to take only land suitable for our purpose. The bill includes many safeguards, hearings, etc., and endeavors to consider as much as possible the rights of citizens. It is a case of the needs of the community versus those of the individuals, and under pressure of state law. Without this bill, there will be great difficulty in complying with state requirements.

I hope that you will now defeat the "ought not to pass" motion and go on to support the "ought to pass." Mr. Speaker, I ask for a division on this.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Bachrach has filled you in on our needs in Brunswick. You all know how I feel about taking other people's property and taking advantage of people's rights, but we in Brunswick are in very desperate need of this. The only place we have is a bad, bad place, not only in soil and near a stream, but the roads are impassable in the wintertime. It is a rocky hill and I can't imagine the trucks going up there ten times a day. The road is all eroded, as it is now. There are other pieces of land much more feasible, but these people will not let us go in to do the testing.

It goes against my grain, but this really has to be done, and I wouldn't kid you.

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

A vote of the House was taken.

20 having voted in the affirmative and 79 having voted in the negative, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-993) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Liquor Control on Bill, "An Act Relating to Location of State Liquor Stores" (H. P. 1805) (L. D. 1964)

Tabled — March 19 by Mr. Maxwell of Jay.

Pending — Acceptance of either Report.

On motion of Mr. Lizotte, retabled pending acceptance of either Report and tomorrow assigned.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Legal Affairs on Resolve, to Reimburse the Town of Waldoboro for Assisting in the Capture of Escapees from the Maine State Prison in Thomaston (H. P. 1807) (L. D. 1966)

Tabled — March 19 by Mr. Faucher of Solon.

Pending — Motion of the same gentleman to accept the Minority "Ought to Pass" Report. The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, a parliamentary inquiry. Has a waiver been granted to this bill under Joint Rule 7-E?

The SPEAKER: The Chair would answer in the negative.

Mr. BURNS: Is it necessary, Mr. Speaker?

The SPEAKER: The Chair would answer in the affirmative.

Mr. BURNS: I move that it is improperly before us.

The SPEAKER: At this time, this Bill is improperly before this body pursuant to Joint Rule 7-E.

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

Mr. ROLDE: Mr. Speaker, would somebody explain what Rule 7-E is?

The SPEAKER: The Chair will read the rule. "Claims against the State: No claim against the State of an amount greater than \$2,000 shall be in order for introduction unless in the form of a bill or resolve. Claims against the State of an amount of \$2,000 or less shall be submitted to the Executive Council for its consideration under the provisions of Title V, Section 1510.

The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, I received a letter from the Attorney General today, and if somebody would be good enough to table this, I would show the gentleman from Anson this response.

The SPEAKER: The Chair would advise the members of the House that the letter from the Attorney General does not deal with the rules, it simply deals with the law. Unless the rules are suspended, the matter is not before this body.

Thereupon, Mr. Goodwin of South Berwick moved the rules be suspended.

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

Mrs. BERRY: Mr. Speaker, I would like to ask a question. May I do that at this time?

The SPEAKER: The Chair would remind the gentleman that she may do so, provided she does not debate the issue.

Mrs. BERRY: Mr. Speaker, when we passed this law last year, did I understand rightly that when a bill was presented for reimbursement of less than \$2,000, that this was to go to the Executive Council and the Executive Council should consider it in the same way as the legislature might in a hearing and that the sponsor of the bill would have a chance to come before the Executive Council the same way as they would before the legislature? And if this privilege wasn't granted a sponsor, might there be some other way to do it?

The SPEAKER: The Chair would answer in the affirmative, that the only other way to handle it would be to suspend Joint Rule 7-E, which is presently the motion before this body.

The SPEAKER: The pending question is on the motion of Mr. Goodwin of South Berwick, that Joint Rule 7-E be suspended. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor 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 South Berwick, Mr. Goodwin, that Joint Rule 7-E be suspended. This requires a two-thirds vote of those present and voting. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Connors, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Drigotas, Durgin, Farley, Farnham, Faucher, Fenlason, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hutchings, Ingegneri, Jackson, Jensen, Kany, Kauffman, Kelleher, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lizotte, Lovell, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, Mills, Miskavage, Mitchell, Morin, Nadeau, Najarian, Peakes, Pearson, Pelosi, Peterson, T.; Post, Quinn, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Spencer, Sprowl, Susi, Tarr, Tierney, Truman, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Ault, Bagley, Burns, Call, Churchill, Cote, Doak, Dyer, Finemore, Garsoe, Gould, Hewes, Higgins, Hinds, Hughes, Hunter, Immonen, Joyce, Lewin, Lewis, Littlefield, Lunt, MacLeod, McBreairty, McKernan, Morton, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Raymond, Snowe, Strout, Stubbs, Talbot, Teague, Theriault, Torrey, Toziers, Walker.

ABSENT — Birt, Bowie, Dow, Dudley, Jacques, Jalbert, Kelley, Laffin, Lynch, McMahon, Mulkern, Rideout, Twitchell, Webber.

Yes, 94; No, 43; Absent, 14.

The SPEAKER: Ninety-four having voted in the affirmative and forty-three in the negative, with fourteen being absent, the motion does prevail.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I suspect I am one of a great many here who aren't aware of the background on this issue, and if someone would give us the background so that we would know what this whole question is about, I think then we would feel much more comfortable in dealing with it, if someone would be so kind.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry if this has caused a great deal of consternation among the membership here and is going to cause some problems in the future.

The reason for this bill coming at this time, of course, is because of a bill that was submitted during the regular session, a bill which would reimburse the town some \$1400 as a result of expenses incurred during the year 1974 in recapturing the escapees from the state prison in Thomaston.

To answer the gentleman from Pittsfield, I think the answer would be that we had submitted this to the council and it had been indefinitely postponed by the Governor. The bill was in committee and we brought it back on the floor in this way.

I would like to say just a few words, if I might, that this bill is a result of an intention to recover some of the costs, which I believe should be the responsibility all over the state, in the operation of the state prison, namely, in the

recovering of the prisoners. This is the responsibility not of just those people living in the surrounding towns but to the entire state, since it is a state prison. Over the years, these communities around Thomaston have been willing to bear some of the costs for this action.

However, recently we have had unusual costs for service done for the state. In this particular case, we had two escape attempts and the towns had to establish road blocks. This creates a hardship for those communities which have only a one-man force. These towns are asked to do this by the state police and must, and in one case they had to set up a road block for one and a half days besides carrying on their normal patrol duty. For this reason, I think we should expect the state to reimburse these towns, whether it is Waldoboro or some other town, and I would ask you to accept the minority report for the reimbursement.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I presented a bill to the Reference of Bills Committee for my town in which in the last six months two cruisers have been demolished because of a request by the state police to set up a road block, and the Reference of Bills Committee wouldn't even let me submit a bill saying that because of the action we took last year and this is true, that any bill under \$2,000 was to go to the executive session.

What concerns me, Mr. Speaker, is the way it is being handled in the executive session. My request came before the executive session and I gave it to the budget department and they gave me a set of rules that they put out, or an explanation, that we would be notified when your request came up. Well, my request came up and I wasn't notified, so I am sure, you knowing me, I inquired why I wasn't notified. They said that because it was a new program, they forgot to notify me. So it went through the executive session and it was postponed, apparently, that is, they didn't do anything about my request.

In talking with Mr. Buker of the budget department, he said that he will give me another chance but I am sure that I am not going to be able to change their minds. I don't know but if I sat on the executive committee, if perhaps I would change my mind after something once came through but I do think that we ought to have a chance to come before the executive council when our requests are presented.

I don't think this was the intent of the legislature. I don't think we are going to get any settlements under \$2,000 if they are going to executive session. I think that they have their minds closed, that they are not going to do anything about it and I think we would have a fairer chance if it went before the legislature. That is one reason why I don't think at this point I can bring my request back as a bill, but I think we ought to at least give Waldoboro a chance to get their requests before the legislature. If there is any possible chance, of course, I would like to have mine, but they told me today that mine won't come up until April 5 and the legislature will all be over. So I expect my request is down the drain but I would like to see Waldoboro's request honored by the legislature.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "ought not to pass" report, I feel I should justify my stand. The law requires that any law enforcement officer respond to the aid of another law enforcement officer. This is mutually agreed between the different law enforcement agencies and should an individual officer refuse to comply with a request from another law enforcement officer, he is subject to fine, the same as any other citizen of the State of Maine.

This particular incident that we are dealing

with — there are two but one is more faulty than the other — the state police or the prison requested that Waldoboro station one cruiser in a certain locality as a road block to attempt to apprehend an escapee from Thomaston. This cruiser, on one occasion, sat there for 33 hours. Another occasion, they were on road block, I believe, for a couple of hours. The total request, as I remember it, was \$1,497.

In my mind, it is a justifiable expense and I do not condemn them for wanting to get their money back. However, we passed Title 5, MRSA, Section 1510, last year whereby the Executive Council was given this power to pay all small claims against the state that were not in excess of \$2,000. At the same time, we passed Rule 7-E whereby anything that goes over \$2,000 will be in the form of a suit against the state.

Waldoboro did submit their request to the Executive Council and it was heard, tabled for a period of time, and then was indefinitely postponed, because the Executive Council felt that this opened the door to any and all claims of this nature, thereby, we probably would not have the money to pay the bills. Also, if this bill was okayed and paid, then if a town should ask the state police to assist them on a search or on a matter, then it would be reasonable that the town would have to reimburse the state police for their amount of time.

One thing did bother me in this area, and it was the fact that this cruiser sat out there for 33 hours. On Thursday last, I talked to Captain Nichols and asked if it wouldn't be possible to get an order out whereby a one-town cruiser, a town that only has one cruiser in it, be called immediately, if necessary, to establish the road block or get out there. If a time period goes by of one hour or two hours, then they should move in another state police vehicle or a county sheriff's vehicle and allow the cruiser to return to its normal work.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the two people who signed "ought to pass." This is not my first session spent on Legal Affairs and it was the Legal Affairs Committee that originally had written the bill which would have those items under \$2,000 referred to the Executive Council. The reason that it was done was because most of those bills pertained to a very limited interest and we felt that we could save a lot of money in many cases by not having to print a bill up, to publish, to advertise, to hold public hearings and many times that total cost ran more than what the claim was. We felt that the Executive Council could better handle those claims under \$2,000.

It is my understanding that the Executive Council has turned down this particular matter because it would set a precedent and those of you who have been on the Legal Affairs Committee before will know that while it may have been a precedent for the Executive Council to set, it certainly was not one. Legal Affairs had paid some of these claims in the past, one of the reasons why I supported this measure.

Secondly, one of the other reasons that I supported the measure was because there are not too many towns who are so closely located to the state prison. Mr. Burns, I am tickled pink to see is now a 'maybe' rather than an ought not to pass. That doesn't help us too much at this point but I certainly am thankful for his explanation at this point.

I think all of you realize how hard it is to finally get somebody locked up in jail, and it is unfortunate that when the state loses those people, those communities that have to help out to recover these prisoners are not reimbursed by the state, since it is the state, apparently, that lost the prisoners to begin with.

As I said, Title 5, Section 1510, was put in to cut down on our costs to these small claims and

there was no way intended to prevent somebody from recovering when the state was in fact wrong, and I would certainly hope that you would support the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I have to take issue with the statement made by the gentleman from Anson, Mr. Burns. I think we should note here that the state police is supported by all Maine taxpayers and so, naturally, we expect them to help out when they are called upon. Local police are supported by local taxes. The state prison holds prisoners from all over the state and it doesn't seem hardly fair to place the burden of request upon request on these small two and three man police departments that we have down in Knox County to continually recapture the prisoners from Thomaston who are let out on work release and furlough. As the criminal justice system becomes more and more liberalized, we are going to be burdened with more and more problems such as the one with Waldoboro.

Knox County, for years, has had to shoulder the expenses of prosecuting prisoners from the state prison, not only the prosecutors expenses, but furnishing them defense lawyers and it has created quite a burden. We have a population of less than 30,000 in Knox County and this has become an important part of our county budget.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: For the past 100 years, my city has been chasing escapees from Stevens Training Center in the City of Hallowell. We haven't asked the state for one nickel compensation, even though the state has only got half the institution fenced in. They are running over the fence all the time and I would suggest that if this bill is passed, not only will I be there from the City of Hallowell, but there will be many others from many other communities asking for many, many thousands of dollars in compensation for the help they have given the state.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I find it is a sad state of affairs when a member on a committee will chide another member for voting the way he did. I voted "ought not to pass," not because I was against giving the money to Waldoboro but because when I took this seat in this house, I took an oath of office that I was going to uphold the law, and as a member of the Legal Affairs Committee, this is what I have tried to do. The last session we passed a law that said that these bills under \$2,000 would go to the Executive Council and that is the reason for the way I voted.

This is first time in a long time that my vote here has been questioned by another member of the committee and I don't like it. I feel that I voted right because I tried to uphold the law, and if the law is wrong, then let the legislature change it in the next session. That is the way I feel about it and that is why I voted that way.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I think we have had the opportunity now to get acquainted with what the issue is. I think it is quite plain. Here, awhile back, we passed a rule that said that claims of less than \$2,000 would be referred to the council. I think it is rather obvious why. They are a small group, they can operate at far less expense than the legislature can, and as the gentleman from Waterville, Mr. Carey, indicated, these claims cost a lot more to process them than the amount of the claim. The decision we made to refer this to some other body,

in this instance the Executive Council, was I think eminently reasonable. I think it is also very clear that should we open the doors today by giving affirmative action on this claim, there will be limitless other claims. We already have indications of how many there are lying out there waiting for our action.

I believe that it is indicated quite clearly that we should sustain the rule, which was a good rule, and if we open it up, we can expect this legislature to get right back into the situation where we were before where we were spending \$2,000 worth of debate on a \$400 claim, which is stupid.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I would say that the Executive Council certainly can process these claims cheaper than the legislature, particularly if you are turning them all down all the time.

I think this is a very fair bill, I think Thomaston, being close to the Maine State Prison, probably has a greater burden of helping out the state police for escapees. It is only \$1,400; I can't imagine who is going to turn them down and, Mr. Speaker, I ask for a roll call.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very quickly, I heard somebody mention that they had a road block for 33 hours. I was wondering if they were trying to catch the fellow on the way out or the way back.

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

A vote of the House was taken, and more than one fifth of the members present 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 gentleman from Solon, Mr. Faucher, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Blodgett, Boudreau, Bustin, Byers, Carey, Carpenter, Carroll, Chonko, Clark, Connors, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Farley, Farnham, Faucher, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Hennessey, Hobbins, Hutchings, Ingegneri, Jensen, Kany, Kelleher, Kennedy, LaPointe, Lewin, Lizotte, Lovell, MacEachern, Martin, A.; Mills, Mitchell, Morin, Najarian, Palmer, Pearson, Pelosi, Peterson, T.; Post, Powell, Rolde, Rollins, Snow, Spencer, Sprowl, Talbot, Tierney, Tozier, Truman, Tyndale, Usher, Wilfong, Winship, The Speaker.

NAY — Albert, Ault, Berube, Bowie, Burns, Call, Carter, Churchill, Cote, Doak, Dow, Drigotas, Durgin, Dyer, Fenlason, Finemore, Garsoe, Gauthier, Gould, Henderson, Hewes, Higgins, Hinds, Hughes, Hunter, Immonen, Jackson, Joyce, Kauffman, Kelley, Laverty, Leonard, Lewis, Littlefield, Lunt, Lynch, Mackel, MacLeod, Mahany, Maxwell, McBreairty, McKernan, McMahan, Miskavage, Morton, Nadeau, Norris, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Rideout, Saunders, Shute, Silverman, Snowe, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Wagner, Walker.

ABSENT — Birt, Dudley, Jacques, Jalbert, Laffin, LeBlanc, Martin, R.; Mulkern, Smith, Twitchell, Webber.

Yes, 72; No, 68; Absent, 11.

The SPEAKER: Seventy-two having voted in the affirmative and sixty-eight in the negative,

with eleven being absent, the motion does prevail.

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

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

Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act to Establish an Experimental Blackfly Control Program" (S. P. 681) (L. D. 2180)

Pursuant to Joint Rule 17A, was placed in legislative files without further legislative action in concurrence.

Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Relating to Employment of Foreign Labor in Agriculture and Logging" (S. P. 733) (L. D. 2278)

Came from the Senate with the Report read and accepted.

In the House, the Report was read.

The SPEAKER: Mr. Speaker, Ladies and Gentlemen of the House: Just by way of reading something into the record, I should point out that this is a bill that came out of the Jobs Committee and dealt with the bonded labor question for the Maine woodsmen working for the paper companies. The reason that the bill was put in was because there was a question of the authority that the state would have to seek damages against companies that didn't reimburse Maine woodsmen for wages that were duly theirs. And there was a law that was passed in the regular session and I would just read into the record the section of that law, Title 26, Chapter 7, Subsection 626A, where the Director of the Department of Labor does have the authority to bring charges against the company for failure to pay an employee wages that are due him. It was the feeling of the committee and those of us that worked on the bill that this already enacted law does give protection enough for the employee. We just wanted to make that a statement of record before the leave to withdraw report was accepted.

Thereupon, the Report was accepted in concurrence.

Committee on Education reporting "Ought to Pass" — Pursuant to Joint Order (S. P. 767) on Bill "An Act Clarifying the Source of Payment of Bonds, Notes and Other Evidences of Indebtedness Issued for School Purposes" (Emergency) (S. P. 768) (L. D. 2317)

Came from the Senate, Passed to be Engrossed and ordered sent forthwith.

In the House, the Report was read.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that you are deserving of an explanation. If you look on Page 954-11 of L. D. 2196, it says, Title 20 MRSA, Chapter 510, as amended, is repealed and the Bond Council is concerned that we have repealed a section of that chapter that jeopardizes the signing of \$16 million of bonds issued by the Maine Bond tomorrow. So that is the necessity of rushing this thing through, to correct an error that we inadvertently allowed to go through.

Thereupon, the Report was accepted in concurrence and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed in concurrence, and by unanimous consent ordered sent forthwith to Engrossing.

Non-Concurrent Matter

Bill "An Act Concerning Transit District Buses Used for Elementary Pupil Transportation" (Emergency) (H. P. 1996) (L. D. 2177) which was Passed to be Engrossed as Amended

by Committee Amendment "A" (H-980) in the House on March 16, 1976.

Came from the Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-980) as Amended by Senate Amendment "A" (S-439), thereto, in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, I move that we recede and concur with the Senate.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Here we have this little bill back concerning the transit district buses, which I feel is setting a special bill for a special interest group. I would oppose the motion to recede and concur and hope that the House would join me so that we can move the indefinite postponement of this bill.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I know that we discussed this particular measure quite thoroughly last week but I would like to also point out again to the members of the House this morning that, one, it is a local bill, it affects the City of Portland and the special interest group that we are concerned about is simply elementary school children.

The SPEAKER: The Chair will order a vote. Those in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 24 in the negative, the motion did prevail.

The Chair laid before the House the following matter:

Bill "An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators" (S. P. 663) (L. D. 2087) which was tabled earlier in the day and later today assigned, pending adoption of Committee Amendment "B".

Mr. Farnham of Hamden offered House Amendment "D" to Committee Amendment "B" and moved its adoption.

House Amendment "D" to Committee Amendment "B" (H-1038) was read by the Clerk.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does is set a time limit or a limit in the number of days for the first regular session and for the second regular session. The first regular session would be 90 legislative days, the second regular session would be 40 legislative days, with the right by vote of two thirds of the members, to extend this period by five legislative days.

I think when we have targets or set goals which we have to meet, we will then meet them. Without some terminal action at all, sometimes it is very difficult to get adjournment.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I am not in favor of House Amendment "D" establishing 90 legislative days, etc., because I think if you really want to limit the length of the session, then you have got to set a specific day of the month. I think the bill that came out of the State Government Committee, establishing like the last Friday in May for the regular session is a more definite time period than 90 days, because you can always recess, committees can meet. It wouldn't count as a legislative day, you still

would have no idea when you were getting out of here. I am opposed to this amendment and I hope you vote against it.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I have been here for quite a few sessions. We have had these target dates before and gone over them anywhere from 30 days to 60 days to 90 days.

I feel that this would be a very poor amendment.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if the gentleman who offered this amendment would explain why he picked 90 days and 40 days.

I do understand there is an amendment on the bill that was put on in the other body that has another set period of time. I just wonder what his justification was for this specific length of time?

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Probably I can't justify it 100 percent. The other amendment which the gentleman refers to was to Report A and did have 100 days and 50 days. I based my 90 days more or less on the fact that until the last three legislatures we never went over 90 days. I think we can do our work in 90 days. I think when a target is set, then the leadership in both parties will start putting pressure on committees to get bills out of the committees three or four weeks before the target date is due, and I would remind you this is legislative days not calendar days. I think we would meet those conditions.

Now, the gentlewoman from Portland, Mrs. Najarian, spoke that in the original bill we did have a target date set for the first regular session, it would be the last Friday of May and that would easily be about 90 days, and for the second regular session, the first Friday in April. But, there is a little kicker on the end of it, provided that two thirds of each House vote to extend the time, it could go on indefinitely. They didn't say that they could extend it for ten days or for five days or something, it is just extended. That means you could go on through to Labor Day or later if you wish to. I hope you will accept this amendment.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I read the amendment and I noticed that it said 40 legislative days, and in the Statement of Fact there is a statement that says we could have an additional five legislative days tacked on.

I look at the first page of today's House Advance Journal and I see that we are in our 45th Legislative day today and we have yet to have any budget action. I would move indefinite postponement of the amendment.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion to indefinitely postpone this amendment. I would also suggest to the gentleman from Waterville that perhaps if we had a limit on this session, we wouldn't be here on the 45th day and the budget would already be out. It seems that we have been wasting a lot of time, in my opinion.

The question I have, though, and the reason that I think I like this amendment is the question of gubernatorial vetoes. I think that if we have a number of days as opposed to a calendar date at which we have to adjourn, we would be able to leave on the 39th day and we would be able to come back however number of days it

takes before the veto and come out on the 40th day, for instance. If we got right to the deadline on a calendar date, I think we would have trouble, obviously, coming back to take care of any vetoes.

I would support the amendment and oppose the motion to indefinitely postpone.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman very much, Mr. McKernan from Bangor. I am interested in his statement when he says that we are proceeding at a fairly slow speed and I would remind the gentleman that he is in leadership and is in a very ample position to speed up the session.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: There is an aspect of these two different proposals that has not been addressed. The committee bill sets a date and it says that at the end of that date the legislature shall itself have the power to extend that, by two-thirds vote, as the legislature needs to. This amendment you have before you today says the Legislature can only extend it five days, so what we are really doing if we adopt this amendment is giving the Governor power over us and he can ransom us and hold us to the line or hold us to whatever his particular desire happens to be once this five days is up.

I am not addressing whether we should go to date or whether we should use a stated number of days, but I do resent very much the idea of giving any other branch of government anything to say about how long we feel we should be to do our business. If two thirds of us want to stay here under the committee amendment, then we can stay here and do the work necessary without the political trading that would occur under the amendment. I do urge you to support the indefinite postponement.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I don't object to the idea of setting a time limitation on the amount of time that we spend here, but I did question, and that is why I asked the gentleman from Hampden, Mr. Farnham, as to why he had picked this 90 days and 40 days. I just feel it is too short a time.

Some of you may remember that in the last session I sent you some material from the Illinois Legislature and some of the problems they have with a time limitation that is too small to handle the volume of bills that they receive. They found them in the waning hours doing things like taking 50 bills and putting them together in a single bill and trying to pass them in a desperate situation, covering the clock and those kind of tricks that are played. The gentleman said it was based on the amount of time they spent three sessions ago, and in the last three sessions, of course, we have had a great deal more business to handle. I would ask you to defeat this particular amendment and consider a period of time, as the other body did on Report A.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: To follow up what Representative Rolde has said, I was just looking on the front of my book here where we started in the Special Session — 2,200 bills we handled in the regular. Now, when you start dividing that down into 90 days, that is going to run you about 25 bills a day from start to finish you have got to clear and it can't be done.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and

Gentlemen of the House: Would it be in order to move for indefinite postponement of this bill and all accompanying papers at this time.

The SPEAKER: The Chair would answer in the negative, we would first have to dispose of the pending amendment before this body.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would submit that the five-day extension is rather moot because two thirds of the legislature, this is simply statute and on an emergency measure extend the legislative session anytime that they want to. I don't see what the five days, if you have a two-thirds vote you could pass emergency legislation and extend into the fall or the first of the year, in my opinion. You can change the statutes on an emergency basis anytime you want to in the legislature.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "D" to Committee Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

93 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

Mr. Burns of Anson offered House Amendment "A" to Committee Amendment "B" and moved its adoption.

House Amendment "A" to Committee Amendment "B" (H-1031) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This is just a simple little bill dealing with the constituency monies whereby you would apply by the 15th of March to the Legislative Finance Office for that \$200 annual payment, up to \$200. If you didn't think you needed the \$200, you could request less. By the passage of this amendment or amending the bill, it would require no order to be issued in the House to be paid each year.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the sponsor of the amendment. I would like to know how that affects the session that we are in right now, being that today is the 22nd and his bill mentions the 15th?

The SPEAKER: The Chair would respond to that question if he might, that it would have no effect, since nothing which we do with salary can have any effect whatsoever on our present salary or compensation.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Parliamentary inquiry. I believe the Constitution only says we cannot raise our salary and doesn't say anything about reducing it.

The SPEAKER: The Chair would answer in the affirmative.

Mr. Kelleher of Bangor moved indefinite postponement of House Amendment "A" to Committee Amendment "B".

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Could you clarify the result of your exchange with the Minority Floor Leader, that is, is it still your opinion that the passage of this bill would be effective for 1977 and not for 1976.

The SPEAKER: The Chair would answer in the affirmative.

The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that

House Amendment "A" to Committee Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

96 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

Mr. Shute of Stockton Springs offered House Amendment "C" to Committee Amendment "B" and moved its adoption.

House Amendment "C" to Committee Amendment "B" (H-1036) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment would merely put the Indian Representative under the same pay scale as far as trips per week and rate of pay, as the regular House and Senate members in this body.

It does not cut down any on the amount of money the Indian Representative is allowed to have. In the original amendment it was not clarified whether the Indian Representative could make a trip home each week and get the full state employee mileage or not, and this would just clarify that.

Thereupon, House Amendment "C" to Committee Amendment "B" was adopted.

Mr. McKernan of Bangor offered House Amendment "E" to Committee Amendment "B" and moved its adoption.

House Amendment "E" to Committee Amendment "B" (H-1042) was read by the Clerk.

Mr. Kauffman of Kittery moved the indefinite postponement of House Amendment "E" to Committee Amendment "B".

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: The reason I am offering this amendment is because of a statement that was made earlier today during the debate on this bill that in fact Committee Amendment "B" was the only version of the bill which caused a pay increase.

I have no doubt that perhaps in two years \$30 a day would be more adequate for legislators for expenses instead of the present \$25 a day. But ever since the passage of the increase in the income tax for educational funding, I felt a little unhappy at the fact that I knew there wasn't going to be enough money around for other people, such as state employees and the University of Maine and, therefore, I can't vote to increase our salaries, or those of you who will be back here in the 108th Legislature. I feel that although the \$30 probably would more adequately meet the needs of legislators, that it is a time when everybody is going to have to cut back and this in fact will be a cutback for legislators by holding the line at \$25 a day, and that will make the salary for the next legislature just about the same as it is this year during the 107th. I think it is something that we ought to do and I hope you will not vote to indefinitely postpone this. We can come back in the 108th Legislature and decide whether we want to revamp the structure. I think it is important that we retain our present salary and expense level for legislators at this time.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: A parliamentary inquiry. Should not this amendment have a fiscal note on it if it is going to be saving the state some money?

The SPEAKER: The Chair would answer in the negative.

The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I support the motion to indefinitely postpone this amendment. I was one of the signers of Report B, Committee Amendment "B" and the reasoning behind increasing the expenses from \$25 a day — and I emphasize the word expenses — \$25 a day is not a salary figure nor is the \$30 a day, it is an expense figure.

I know the particular room I live in at the particular motel I live at went up, I think, \$10 a week, between the regular session and the special session. This extra \$5 a day expenses is designed to defer some of that and yet at the same time be able to hold the line. I hope you all vote to indefinitely postpone this amendment.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question of the gentleman from Portland, Mr. LaPointe, he has made a good point. I hope you won't indefinitely postpone it, because going to \$30 a day hasn't been budgeted for. You are going to create a deficit if you don't adopt this amendment, because this is in line with what you have already budgeted for.

The SPEAKER: The Chair would respond in the negative, that the budget figure includes the necessary dollars since they have been decreased from the other end.

The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I support Mr. McKernan's amendment also. This was the only substantive change in Report B and it is an increase, depending on the number of days we would be in session. This could amount to several hundreds of dollars, perhaps six or seven hundred dollars additional tax-free increase, which is almost the same kind of increase that would have occurred under the law and you, by voting against Report A, achieved the changing of that law. So now, by acting in favor of Report B, I think it is necessary that we are consistent and that we do not enact anything that could be construed as a pay increase. That \$5 a day adds up. It is tax-free money, and I think if you look at the entire section, it is a lot of money.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: If I could make a profit on the expense money of \$25 a day that I get up here to pay for my motel room and my three meals a day, it may be tax free, but at the moment, at \$25 a day I am running into a deficit. I am sure the gentleman from Sabattus isn't aware of this, since he doesn't have to spend all his time up here and he doesn't have to buy all his meals up here and pay for a motel room. I think that is probably the case with many people here, but if he had to spend five days a week here and three meals a day, I think he would realize that pretty soon you are spending a lot more than \$25 a day, unless you eat at Kentucky Fried Chicken or MacDonald's every meal.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have just been doing a little figuring. We get \$150 a week expense money the fellows out of Aroostook that come Sunday. If you have a room for \$75 and there are two people in it, you pay \$37.50, that leaves you a \$112.50 a week to live on, or \$18.75 a day. I think we are pretty well paid if we get \$18.75 a day. This doesn't include myself because I pay more than that for a room and I pay it all alone. I don't pay more than \$75 but I pay more than the \$37.50. This \$18.75 a day is a good living allowance. I think we should go along with this amendment. I don't eat at MacDonald's, but I

probably eat fried chicken once in awhile and I eat down in the cafeteria once in awhile and once in awhile I bring a sandwich, but I don't think I can spend \$18.75 a day. I don't blame you for laughing, I am conservative, yes, but I don't spend \$18.75 a day.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: Sorry to keep bouncing up and down here, but as I read this, I am in favor of the amendment, but as I do read this, I think it is quite discriminatory. Anyone who would be living here in Augusta would be receiving \$25 per day. Reading down a little further, those of us who travel back and forth would receive \$15 for our meals and up to \$15 for our mileage. I think the amendment has to have a little more work done on it.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: As long as we are standing here flogging ourselves in the market place, I think we should definitely do one thing. The expenses that we incur coming up here to serve the people are the first thing, these expenses are growing very rapidly due to inflation. If we want to cut out our pay completely, fine, let's do that, but let's keep our expenses and let's keep them reasonable as to the time. Anyone coming up here deserves to be compensated for their gasoline, for the wear and tear, for the food and the other expenses they incur. I think increasing it to the \$30.00, and as I understand this, this wouldn't be in the next year but the following year. I think that is a very good idea and I think that inflation will probably make the \$30 seem very small.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would remind you that if we were not on a set figure for expenses and were allowed to put in what our actual expenses were, it would probably, in most cases, run well over the \$25 per day. The gentleman from Sabattus, Mr. Cooney, I think, threw another red herring in the path calling it taxable money. If you make a profit on it, it is taxable, but I would remind you that under federal law, the federal people have \$40 per day and don't have to account for it; it is all non-taxable. As has been brought out here two or three different times, the rate of increase in room rents and in meals, this would apply to the 108th session beginning in 1977, it would also be there in 1978 and probably by 1978, with the rate of inflation, you will wish it was \$40 a day instead of \$30. So I hope you do vote to indefinitely postpone.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: As was stated this morning, this is the only increase that we had in these two amendments. This is the only increase, this is the one that everybody is concerned with, this was the one of the people who want to save money and then they want to tuck another \$5 a day on. I hope that you don't indefinitely postpone this.

I request 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. 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 gentleman from Kittery, Mr. Kauffman, that House

Amendment "E" to Committee Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Blodgett, Boudreau, Bustin, Call, Carey, Carpenter, Carroll, Chonko, Clark, Connolly, Cox, Curran, P.; Curran, R.; Curtis, Davies, Drigotas, Durgin, Farley, Farnham, Faucher, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gray, Hall, Hennessey, Hinds, Hobbins, Ingegneri, Jackson, Jensen, Joyce, Kauffman, Kelleher, LaPointe, Laverty, LeBlanc, Lewin, Lovell, Lunt, Lynch, MacEachern, Maxwell, Mills, Mitchell, Nadeau, Najarian, Peakes, Pearson, Pelosi, Peterson, P.; Post, Quinn, Saunders, Silverman, Snow, Sprowl, Stubbs, Susi, Talbot, Teague, Theriault, Tierney, Usher, Wagner, Wilfong.

NAY — Albert, Ault, Bennett, Berube, Bowie, Burns, Byers, Carter, Churchill, Connors, Cooney, Dam, DeVane, Doak, Dow, Dyer, Fenlason, Garsoe, Gould, Greenlaw, Henderson, Hewes, Higgins, Hughes, Hunter, Hutchings, Immonen, Kany, Kelley, Kennedy, Leonard, Lewis, Littlefield, Lizotte, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McKernan, McMahon, Miskavage, Morin, Morton, Norris, Perkins, T.; Peterson, T.; Pierce, Powell, Raymond, Rideout, Rolde, Shute, Snowe, Spencer, Strout, Tarr, Torrey, Tozier, Truman, Tyndale, Walker, Winship.

ABSENT — Birt, Cote, Dudley, Gauthier, Jacques, Jalbert, Laffin, McBreairty, Mulhern, Palmer, Perkins, S.; Rollins, Smith, Twitchell, Webber.

Yes, 72; No, 63; Absent, 15.

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

Thereupon, Committee Amendment "B" as amended by House Amendment "C" thereto was adopted and the Bill assigned for second reading tomorrow.

The following Enactor appearing on Supplement No. 3 was taken up out of order by unanimous consent:

An Act Clarifying the Source of Payment of Bonds, Notes and Other Evidences of Indebtedness Issued for School Purposes (S. P. 768) (L. D. 2317)

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 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud Against the State" (H. P. 2155) (L. D. 2290) which was tabled earlier in the day and later today assigned, pending passage to be engrossed.

Mr. DeVane of Ellsworth offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1030) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: The 105th Maine Legislature created a fraud investigating unit and housed it in the Department of Audit. It is, as it always has been, a stepchild in that particular administrative position.

The bill, L. D. 2290, would propose to take — there are four people in this unit, incidently, two investigators, a chief investigator and a

secretary — L. D. 2290 would remove the fraud investigating unit from the Department of Audit, would send the two investigators and the secretary to the Attorney General's Office and the chief investigator to the department which used to be Health and Welfare, Human Services. The amendment before you would propose to protect the autonomy and the integrity of the unit and send the entire unit to the Attorney General's Office where the investigation could be directed and then coordinated with prosecution, which is really the problem.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I would rather not go against the good gentleman from Ellsworth, Mr. DeVane, but as a person who serves on the Performance Audit Committee, which put this bill out in a unanimous "ought to pass" report, I thought I would share with you, and very briefly I would point out some of the reasons why we did this very thing.

Members of the committee, particularly myself, went through the same mental gymnastics, if you wish, and the same mental process that Mr. DeVane is going through relative to putting this type of unit within the Department of Human Services. However, as a result of the HEW audit that was finalized last August, one of the recommendations of that HEW audit team was to attempt to make the fraud components within state government much more efficient and less fragmented, because as the situation exists currently under the present law, it is more or less distributed among three different departments. The Department of Human Services, refers cases of suspected fraud, whether it is welfare fraud as we know it and we think of it, or whether it is vendor fraud, or whether it is any fraud that has any relationship to any federal money that comes into the State of Maine. These cases are in turn referred to the Department of Audit, which was created by the 105th Legislature and then they, in turn, are turned over to the Department of the Attorney General for prosecution if, in fact, the Attorney General thinks he has a case.

The committee thoroughly examined all of the ramifications of this particular issue and I say that some of us very reluctantly adopted the idea of putting this unit within the Department of Human Services. However, we felt that with the bill written the way it was, and the essential idea behind this particular bill is that we created a legal services component within the Department of Human Services to fulfill this particular function and the line responsibility for eventual prosecution of any of these cases would ultimately rest with the Office of the Attorney General. We did this for a variety of reasons. One, we wanted to consolidate this operation. Two, we wanted to make ourselves available to federal funds in the most efficient and quick way as possible in order to resolve this particular problem. Furthermore, it was considered that we wanted to consolidate not only the fraud but another very important component that came about as a result of legislation that we passed in the regular session of the 107th that had to do with support enforcement payments of absent parents.

I would like to point out to you that if you recall the appropriations bill we passed for the funding of the special session of the legislature, there was a very, very small portion of that that dealt with the transfer of four people from the Attorney General's Office to the Department of Human Services. That was the first step in what the Performance Audit Committee and the legislative leadership thought to be the consolidation of these necessary legal components within the Department of Human Services. So with that explanation, and I think other members of the committee probably will fully

elaborate if more detail is required as to the committee's attempt to resolve the question of fraud and fraud investigation and its eventual prosecutions, and with that in mind, I move for the indefinite postponement of this particular amendment.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I would respond briefly to Mr. LaPointe's remarks. He said he was going to give a number of reasons. The only thing I could glean from what he said was that the deployment of these people was going to be made in response to a recommendation of a study team. The first reason that I was given, when I asked, of a member of the Performance Audit Committee why this one person was being put administratively in Human Services, was that that was the only way to get federal funds. When that line was pursued, it was discovered that federal funds were available no matter where the person was but it took a little longer and you had to keep a few records. So now the thing has moved to get federal funds quickly.

And I would like to suggest to you that in terms of reasoning, it is about as attractive to me, as a citizen, to see a state respond for the availability of federal funds by putting somebody in an inappropriate place as it is to see a person make a fool of themselves on national television to win a refrigerator.

I just can't believe that the availability of some dollars a little more quickly constitutes a reason to do what is being suggested here. Three times Mr. LaPointe said consolidate, and this bill will consolidate the department by splitting it and putting it two places. I would request a vote.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: This bill had a thorough study by the Performance Audit Committee and, as Mr. LaPointe mentioned, we went back and forth and decided this was the best for the State of Maine.

Maine taxpayers are fed up with the fraud that has been going on and that has been proven by this federal study in some of its welfare programs here in the state and, in my estimation, this is the only way we are going to get at this. We have had a four-man fraud investigation unit working. They have been understaffed and undermanned and we have not been able to provide state funds because of our tight money situation to help this unit.

Earlier in the session, we transferred four positions to Health and Welfare to collect support payments from parents who are not supporting their families. These funds will be matched by federal funds. These were attorneys general we transferred over to Health and Welfare and they have some extra funds left that they can hire a couple of investigators out of that appropriation to go along with this appropriation of one more attorney, which we are transferring in this bill to Health and Welfare. By the change of these funds, they will really be able to go after the fraud and the support payments that will help many recipients in this state and will also perhaps bring back a little more confidence of the citizens of Maine in Maine's welfare programs and especially in the AFDC program, but this particular unit is also involved in many other programs, also.

The federal funds that the gentleman from Ellsworth, Mr. DeVane, talked about, under federal register rules, are available to all agencies. However, HEW has told Mr. Kozak, an attorney in the Attorney General's Office that they have never granted any to any other agency except a health and welfare agency. The reasons for that are that when they grant health and welfare funds to an office like the Attorney General's Office, those funds could be used for

other purposes than welfare and they cannot be under federal law. So they have to send a federal auditor in every six months to check and see what they are spending these funds for in the Attorney General's Office, and they have to figure every man's hour, time, his travel expense and what time he spent investigating an employment security claim or a treasurer's claim from the Treasury Department or something from the Budget Department or whatever, and they have to separate those and there would be no federal funds on those. This is why HEW frowns on any other agency in state government doing this, although their rules state that they can contract with another agency if they desire, but I would remind you that they never have.

This is a good bill, it is a good step in the right direction to do a better job in correcting fraud in AFDC and other programs and in other fraudulent areas of state government and I hope that you will defeat the amendment offered by the gentleman from Ellsworth, Mr. DeVane.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mr. LaPointe, that House Amendment "B" be indefinitely postponed. The Chair would order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Hinds of South Portland requested a roll call.

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

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

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the sentiments of the gentleman from Ellsworth, Mr. DeVane, but I looked into this, as the gentleman from Portland, Mr. LaPointe, explained. True, this group should be in the Attorney General's Office, but in order to obtain federal funding, there has to be at least one of the members in the Department of Human Services, and that is the reason the Performance Audit Committee came out as they did. Perhaps if the federal funds are cut off at some future date, the amendment would be in order, but under the present financial system, where we need the money from the federal government, we must respectfully vote to indefinitely postpone your proposed amendment.

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

Mr. LaPOINTE: Mr. Speaker and Members of the House: I would just very quickly say and emphasize one other point that I made earlier, that if we adopt the amendment being offered by Mr. DeVane, then I think what we should do is correct the situation that we created when we passed the legislative appropriations act where we transferred four people from the Attorney General's Office to the Department of Human Services, because if we don't do that and if we adopt Mr. DeVane's amendment, then we really will have fragmentation.

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

Mrs. BACHRACH: Mr. Speaker, the gentlelady from Newcastle, Mrs. Byers, requested when the vote was taken that she could pair with me. She will vote in favor of the amendment, I will vote against.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, I would like to pair my vote with Mr. Garsoe. If he were here, he would be voting no and I would be voting yes.

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

ROLL CALL

YEA — Berry, G. W.; Berube, Blodgett, Chonko, Churchill, Clark, Cox, Curtis, Dam, Durgin, Dyer, Finemore, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hennessey, Hewes, Hinds, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jensen, Kany, Kauffman, Kennedy, LaPointe, Laverty, Lewis, Lizotte, Lovell, Lunt, Maxwell, McBreaarty, Miskavage, Mitchell, Morin, Morton, Norris, Peterson, P.; Peterson, T.; Post, Rolde, Saunders, Snowe, Stubbs, Susi, Talbot, Tarr, Teague, Theriault.

NAY — Albert, Ault, Bagley, Bennett, Berry, P. P.; Boudreau, Bowie, Burns, Bustin, Call, Carey, Carpenter, Carroll, Carter, Conners, Connolly, Cooney, Curran, P.; Davies, DeVane, Doak, Drigotas, Farley, Farnham, Faucher, Fenlason, Flanagan, Fraser, Gould, Greenlaw, Higgins, Hobbins, Hutchings, Joyce, Kelleher, Kelley, LeBlanc, Leonard, Littlefield, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McKernan, McMahon, Mills, Nadeau, Najarian, Peakes, Pearson, Pelosi, Perkins, T.; Pierce, Powell, Raymond, Rideout, Spencer, Sprowl, Strout, Tierney, Torrey, Tozier, Truman, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

ABSENT — Birt, Cote, Curran, R.; Dudley, Hall, Jacques, Jalbert, Laffin, Lewin, Lynch, Mulhern, Palmer, Perkins, S.; Quinn, Rollins, Shute, Silverman, Smith, Snow, Twitchell, Weber.

PAIRED — Bachrach, Byers, Dow, Garsoe. Yes, 54; No, 71; Absent, 21; Paired, 4.

The SPEAKER: Fifty-four having voted in the affirmative and seventy-one in the negative, with twenty-one being absent and four paired, the motion does not prevail.

Thereupon, House Amendment "B" was adopted.

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

Mrs. BERUBE: Mr. Speaker, I move we reconsider whereby Committee Amendment "B" was adopted. Could we please table this for one day?

Thereupon, Mr. DeVane of Ellsworth requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mrs. Berube, that this matter be tabled pending her motion to reconsider adoption of House Amendment "B" and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

The Chair laid before the House the following matter:

Bill "An Act Concerning the Workmen's Compensation Statutes" (H. P. 2046) (L. D. 2218) (C. "A" H-988) which was tabled earlier in the day and later today assigned, pending passage to be engrossed.

Mr. Farley of Biddeford offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1032) was read by the Clerk.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply allows that a small contractor who has members of the immediate family working for him, if they sign a waiver that they would not

have to be covered under the workmen's comp act. This amendment was suggested by some of the contractors locally who have their sons working for them and in no case would these people sue their own parents, in the cases where they are covered by insurance, health insurance on their own, and I think it would eliminate some of the expenses of a small contractor who probably wouldn't use the workmen's comp section anyway.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent up for concurrence.

The Chair laid before the House the following matter:

An Act to Require an Annual Governor's Report on Employment and the Economy (S. P. 720) (L. D. 2256) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Having learned through my good friend Mr. LeBlanc and then checked it myself, the Employment Commission makes this study four times a year. I hope I have stated it correctly. I am having an amendment prepared to have it presented to the Governor and to the members of the legislature each time the report comes out and I wish someone would table this for one day.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending passage to be enacted and tomorrow assigned.

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

Mrs. LEWIS: Mr. Speaker, is the House in possession of L. D. 2128?

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law," Senate Paper 669, L. D. 2128, is in the possession of the House, having been held by the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, having voted on the prevailing side, I move that the House reconsider its action whereby this Bill was passed to be engrossed.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, moves that the House reconsider its action whereby this Bill was passed to be engrossed.

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

Mr. KELLEHER: Mr. Speaker, I would like to ask the good lady from Auburn why she wants us to reconsider it.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentlewoman from Auburn, Mrs. Lewis, who may answer if she so desires.

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

Mrs. LEWIS: Mr. Speaker, it is because I would like to ask that this bill and its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think that all we have done is pass this bill on for engrossment. It is going to come back again for enactment, and if the gentle lady wishes to indefinitely postpone it, I think we could save ourselves some time and debate to do it at that time, so I would ask you to vote against reconsideration.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: This was a bill that we discussed at length the other day. It has to do with the process by which a product goes into cement.

You will recall that during the regular session we corrected one of the inequities by exempting that part of electricity that is used in the electrolysis process, which the Sobin Chemical Corporation uses to manufacture certain chemicals, logic being that this electricity was consumed in the process and part of the electricity became part of the final product. Well, down in Thomaston where we manufacture cement, we use a residue that is derived from burning bunker C at a high temperature. This residue is a sulfur which is used as part of the finished product in the manufacturing of cement. Because of this unique process whereby we use bunker C oil, we have to pay a tax on it. This has created considerable more overhead and expense in the manufacturing of cement and I am sure you are aware that because of this, this puts us in an unfair competitive advantage and we have not been able to compete with Canadian cement.

If we lose the Thomaston plant, which is the only cement plant in New England, I can assure you that there will be no incentive on Canada to import their cement here in this state. So those firms that are using cement, including products that are used for state construction, certainly will be paying more in the long run.

I hope that you will give us the same advantage and consideration that you gave the Sobin Chemical Company and that you will allow us to become competitive with the Canadian cement so that perhaps we can afford to better compete with the Canadian cement.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I agree that we did give that taxbreak to the Sobin Chemical Company, and I think we made a terrible mistake when we did it and I hope that sometime we can bring that back and repeal that action that we took.

It seems to me that \$225,000 are dollars that could be spent for a much more worthwhile project than giving a tax break to a company. With another threat over us, it seems to me that that was why we passed the Sobin Chemical Company break, that we were threatened if we didn't pass it they wouldn't expand and we might lose the company. As I understand it, they only employed 40 workers and we gave them a \$40,000 break, so that was really \$10,000 a worker. I don't know how many people we employ at the cement company, but \$225,000 is an awful lot of money to take off somebody's tax bill.

As far as this product being part of the manufacture of cement, I wouldn't dispute that any more than I was disputing the electrolysis. However, it seems to me that if it is so obvious that this product is part of the manufacturing of cement, then there would be no need to bring it to the legislature. They should just automatically not pay the tax on it or, at the very least, they should get a court ruling. This seems as though it is just easing in here hoping to get it the easy way, and I can't agree with it. I don't think that we should give this kind of a tax break right now and certainly we ought not to be threatened.

I hope you will go along with me and vote to indefinitely postpone this.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: We debated this very thoroughly the other day and we are not being threatened but only being consistent. We are being consistent with the law that is presently on the books; we are being consistent with the ac-

lion we look at the last session and there is no reason in the world why this bill should not be passed and it would be a real folly today to indefinitely postpone it. You gave it strong support the other day and I hope you will continue and not be misled.

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

Mr. BOWIE: Mr. Speaker, Men and Women of the House: I would agree with my good friend from Farmington, Mr. Morton. I don't know much about the cement business, but I do know that I have a very good friend in the concrete business. He has a plant right in Farmingdale, and he is buying his cement from Canada and he is buying it a lot cheaper. They have to truck it all the way from somewhere up in Quebec clear down here practically into Augusta, and he can buy it cheaper. There must be a reason. I think we have to be consistent with what we did for Sobin Chemical. If they are using this bunker C in the process, then they should be exempt.

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

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: I sure hope we do not reconsider this bill. I don't know how many people work in the cement plant in Thomaston, but I know they have at times been nearly ready to close. If they employ just a hundred people, that is a \$2 million payroll a year, and that turning over three or four times before it leaves that area is going to give the state a great deal more money than we will lose on this sales tax and probably about ten times over. So I hope you certainly will not reconsider this bill.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, the question has been asked, how many do we employ? In round figures, we employ about 200 at the Thomaston Cement Plant. In addition, they pay about 45 percent of the town's taxes. I would also point out at this time that the other large property owner there in Thomaston is the State of Maine. They own about 12 percent of the total valuation of the town right there on Main Street.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest, as people say, we want to be consistent. The Sobin Bill last year certainly was special interest legislation. It exempted for one particular industry a sales tax. Now, let's be consistent. If we were going to be consistent, then we would exempt all goods that were consumed in manufacturing in the state. That would be consistent. This is just special legislation for a particular industry. I suggest you are treating the symptom and not necessarily the problem.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question, based on a statement made by Mr. Leonard, to someone on the Taxation Committee on whether or not we don't already have it on the books that things used up in the manufacture of goods are exempt from the sales tax?

The SPEAKER: The gentleman from Bangor, Mr. McKernan, has posed a question through the Chair to any member of the Taxation Committee.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Bangor, Mr. McKernan, it is in the law that if a product is an ingredient of another product which is sold and the tax is later collected on it, then that ingredient is tax exempt. In nearly all instances, it is an easily established fact that this is an ingredient. These were special instances where this determination was left to the legislature rather than leav-

ing it to the Taxation Department to make this rather technical determination.

There was considerable time spent on both of these instances in determining definitely that these ingredients, namely, in the case of Sobin, electricity; in the case of Marietta, bunker C, that they actually become an ingredient of the finished product and they satisfied the committee that this was so.

I think the process that we presently have where in sticky instances, and there will probably be some more, the legislature will make the determination is a reasonable thing to do rather than to burden some administrator with a very hefty decision.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry, it is late and the Sobin Chemical bill seems to keep coming up here. I was the cosponsor of it, so naturally I am morally bound to support this legislation. I could offer you an alternative. We could not do this this afternoon and then have these people go out of business and then have somebody come in and let the MGA guarantee them and then the state could own the cement business down there along with the prison.

I would hope that if there is a chance — and we debated this thoroughly the other day — if there is a chance to help an industry like this, and fair is fair and the law very clearly states that anything that is used in that manner is exempt, but there were some things at the time that the sales tax was passed that were not considered and, of course, it is the responsibility of the legislature to listen to the problems of all their citizens and all of the people in business so that everyone gets the same treatment. I think that is all that is being asked for this afternoon, that these people be used the same as everyone else.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would submit that we are not asking them to be treated the same as anybody else. We are asking that they be treated as special interest, just as we did the other company. I would say that if this is as obvious as the proponents say it is, I do not understand why it would come to the legislature. It would just be a court ruling. There would be no question. If this is obviously part of the product, then it is part of it, but the very fact that it has to come through the legislative process makes me wonder if it really is private. I don't think it is. I can think of two companies that I know a little bit about, Bates Manufacturing in Lewiston and the Keyes Fibre Company in Waterville. Maybe one of those companies could not really finish their product unless they had intense heat, so you could say the oil that they use to heat their dryers really become part of the finished product, because they cannot air dry the material nor can they air dry these paper products that Keyes Fibre manufactures.

So we opened the door with Sobin. If we pass this, we are going to open it a little bit wider and then we are going to open it wide. If we open it wide to everybody in this state, probably that is a good thing to do. We don't pay for fuel oil or electricity in home consumption, maybe we shouldn't in manufacturing. But at this point in time, this state is very short of money, and if we pass this and give these people a \$225,000 tax break, it is going to have to be made up somewhere else, and where are we going to do it? Is it going to be in human services or is it going to be in state employees' salaries, or are we going to pass another tax in order to allow the state to grant this exemption?

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

Mr. MORTON: Mr. Speaker, Ladies and

Gentlemen of the House: I humbly disagree with the gentlewoman from Auburn. There is no question but what this particular oil that is used in this fashion does become a part of the product to the tune of approximately 2 percent. Now, that is not 98 percent, such as pulp that goes into a pulp mill, but it still becomes a part of the product and it is used up and it loses its identity. These are all the words that are in the bill.

The reason it comes before this House is just what the gentleman from Pittsfield said, because fuel, in its initial thought, everybody is talking about fuel oil, everybody thinks it is to fire boilers and to create heat, and they think of electricity such as used in Sobin Chemical is to turn pumps and this sort of thing, and they do use the oil for those things in the cement plant and they do use the electricity at Sobin Chemical for that, but they also separately meter electricity and they also separately store oil for this process just as they separately store pulp in front of the pulp mills.

If you can't understand that, you don't know what the bill is all about, but that is exactly what we found out in the Taxation Committee, that is exactly what the very technical reports tell us, and it is only being consistent with the law. If you want to do something about this, do away with all of this sales tax exemption for all manufactured products, but don't discriminate against one industry.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have spoken too much today, but I wonder how we are going to give this special interest \$225,000, an outfit that has paid dividends over the years, only had one loss over a period of years, and refuse the railroad \$143,000. I hope you will take that into consideration when you vote on this.

The SPEAKER: The pending question is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that the House reconsider its action whereby L. D. 2128 was passed to be engrossed as amended. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

Sent to the Senate.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Cape Elizabeth, Mr. Hewes to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Hewes of Cape Elizabeth assumed the Chair as Speaker pro tem and Speaker Martin occupied his seat on the floor.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have just been a recipient of news, and you may have seen me talking to a number of people on the phone in the interim, since I received a note from what I consider to be an excellent state employee. It appears that some state employees started calling and suggesting the possibility of a sick day on Thursday, to use that as a method to approach the problem of the state employees' pay raise. Since receiving that note, I have called the Executive Director of the MSEA, who has indicated to me that they are not encouraging, nor are they promoting, nor are they calling state employees for such action. I think it is important that I make these facts known tonight to you, even though it is late, since it is obvious to me that I was concerned that perhaps state employees and even, yes, the MSEA and the union could be branded as a result of potential action which might take place.

The Executive Director of the MSEA authorized me to indicate to the members of this legislature that he is not promoting such action. They are meeting this evening to try to determine what course of action they ought to take in dealing with state employees' pay raise. They have reached no conclusion and they don't know where they ought to go either. I think they, as we are, perhaps are just as confused, just as frustrated and just as concerned. I do think, however, the fact that I have received this note and the fact that there are at least two state employees who were called by someone, indicates to me that there may be an internal concern or an internal battle of some kind perhaps, or maybe some suggestions by some that immediate action be taken. I think it is for these reasons that I make these comments to you.

First of all, I plead with state employees, wherever they might be, to act responsibly and that they wait for us to act or perhaps fail to act and at that time, then obviously it is in their hands and not ours if we fail to do nothing.

I think that all of us here in this House and even in the other body are concerned about the salaries state employees are receiving, especially those at the lower end of the scale. I think all of us are concerned about what we ought to do, how to do it and when to do it. In part perhaps, what has happened late this afternoon and this evening to at least two state employees might well bring the entire issue to the forefront for all the members of this body and to concentrate and to look at the very things that we ought to be facing and how we ought to be facing the issue of state employees' pay raises.

I know, as we all know, that the state employees are concerned. I think they have a right to be and I think that we have to be concerned as a result. The entire issue has to be dealt with by this legislature in attempting to maintain some sort of credibility with state employees, and I am sure that all of us, including the Governor, wish to be fair with our state employees.

I want to repeat that I speak this evening simply to relate to you what the facts are, that, one, there is no proposed walkout by either the union or the MSEA. I have been assured by that leadership. Second, they want me to assure you that they are not in any way, and they are fearful of this, they are fearful of being branded of attempting to place some sort of economic pressure upon this legislature, political pressure, whatever that may be, in terms of blackmail and they are not interested in that type of direction. Third, I speak to you because I think it is important that we deal with the issue of state employees' pay raises during this session.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would thank the gentleman from Cape Elizabeth, Mr. Hewes, for having served as Speaker pro tem.

Thereupon, Mr. Hewes was escorted to his seat by the Sergeant-at-Arms and Speaker Martin resumed the Chair.

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

MR. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to the news that has just been related to the House by the Speaker. I think it is important for state employees to realize that we in the legislature are having a very difficult time grappling with the issues of state employee pay raises. There are ten very competent members of the Appropriations Committee looking into the problem at this point, ten members of leadership, who I can assure state employees

and fellow members of the legislature, we are also grappling with the problem, trying to figure out what the best solution is to the problem for the state as a whole. I am also sure that there are 184 members of the legislature who are doing a lot of soul-searching to decide exactly what can be done to resolve this problem.

I would just like to echo the sentiments of the Speaker, that I would plead with state employees to follow their leadership at this time, because I think they realize what is best, and that is that everybody try to deal with this in a rational way until we can come up with a decision. Once the legislature has finally made up its mind and action on a state employee pay raise, at that point I think it certainly is within the prerogative of state employees to determine what their action should be. But I think the best thing that can happen to the state as a whole and for the legislature and for state employees is to wait and see what the Appropriations Committee can recommend.

On motion of Mr. Immonen of West Paris,
Adjourned until nine-thirty tomorrow morning.