

# 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

Thursday, April, 1976.

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

Prayer by the Reverend Julian Hall of Hallowell.

The journal of yesterday was read and approved.

## Messages and Documents

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

March 31, 1976

To Members of the House of Representatives and Senate of the 107th Legislature:

I am today returning without my signature and approval H. P. 1966, L. D. 2155, "An Act Regarding the Rights of Students at the University of Maine in the University Bargaining Process."

I am constrained to withhold my approval of this bill for two main reasons:

(1) There is nothing under existing law which prohibits the University bargaining team or the trustees of the University from getting input from students or whomever they wish during the negotiating process. Consequently, I view this as unnecessary legislation.

(2) This bill involves one of many potential special groups in the collective bargaining process. I think it is incumbent upon the administration to balance the interest of students, faculty, alumni and employees of the University and the taxpayers of Maine. To give one group special privileges in the bargaining process could set a precedent for eventually involving other parties with the possibility of so many involved that the basic objective of desirable and necessary collective bargaining breaks down because by design its structure depends on bringing a few representatives and experts together to resolve the problems of many.

I believe it would be as discriminatory to include students specifically without also including "Alumni", or "Faculty" or "Friends of the University" or to specify a taxpayer or other specific group as the collective bargaining process by its very nature is already required by law to be representative of all parties.

I believe this legislation, albeit unintentional, is not fair to the students as it could mislead them into believing the legislation provides them rights greater than is in fact allowed. I also feel it is more form than substance as it creates a facade of involvement not truly supportive in actuality to the extent the students directly and/or indirectly presently have opportunity for input.

This also could prove extremely demanding and time consuming for the students involved. Collective bargaining sessions can consume hours and days and could therefore take students away from their studies for extended periods of time, should they be called upon and desire to become totally involved.

Our research in conjunction with this bill leads me to commend the University for the great strides it has made in seeking student input and in appointing students to advisory committees of the University. It would also appear to me that this same type of input in labor considerations leading to collective bargaining could be equally beneficial to the board of trustees if it is not being done already. This would, in effect, be a more viable and realistic alternative than additional, unnecessary legislation.

In summary, I see no necessity for this legislation, and there is the possibility that it could further complicate the already difficult job of administering the University and possibly delay and/or increase the expense of the

collective bargaining process. I hope that the Legislature in its collective wisdom will, upon further consideration, agree with me.

Very truly yours,

Signed:

JAMES B. LONGLEY  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question now before the House is, shall this Bill become law notwithstanding the objections of the Governor?

On motion of Mr. Tierney of Durham, tabled pending consideration and later today assigned.

## Study Report

## Health and Institutional Services

Mr. Goodwin from the Committee on Health and Institutional Services to which was referred the study relative to Require the Department of Human Services to Reopen the Itinerant Office in Belfast, pursuant to H. P. 2014 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Require the Department of Human Services to Reopen the Itinerant Office in Belfast" (H. P. 2269) (L. D. 2336) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted.

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

Mr. MCKERNAN: Mr. Speaker, I am in sort of a fog on this. Could someone explain why this bill is in at this late date and why it is needed?

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

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: This is the result of a study report that was passed by the House and Senate roughly about a month ago relating to the closing of the Belfast Human Service Office. We had a subcommittee that worked on this and held several meetings and come up with a report and a bill.

Now, the chairman of that subcommittee, Senator Greeley, is presently working with the commissioner to try to solve this without this bill. We will know tomorrow if we have solved the problems that have happened down in Belfast, and I would ask you, because of this, to let this go through and it will be tabled in the Senate until the problem is hopefully solved tomorrow. If it isn't, we can report this bill out of committee immediately without a public hearing, because we have already had three public hearings on it. That is basically the reason for it.

Thereupon, the Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

## Orders

Mr. Bennett of Caribou presented the following Joint Resolution and moved its adoption: (H. P. 2268)

## IN MEMORIAM

Having Learned of the Death of Miss Barbara Carol Doody of Caribou, Maine

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

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

behalf of the Legislature and the people of the State of Maine.

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

Mr. Immonen of West Paris presented the following Joint Order and moved its passage: (H. P. 2271)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of W. Henry Allen of Hebron Maine's Outstanding Farmer for 1976 as Cited by the Maine Extension Association

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. Tierney of Durham presented the following Joint Order and moved its passage: (H. P. 2272)

ORDERED, the Senate concurring, that a Bill, "An Act Concerning the Workmen's Compensation Statutes," be recalled from the Governor's Office to the House. (H. P. 2046, L. D. 2218)

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

By unanimous consent, ordered sent forthwith to the Senate.

## House Reports of Committees

## Leave to Withdraw

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act to Reduce the Cost of the Program to Protect Forest Land against Insects and Disease" (H. P. 1903) (L. D. 2090) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

## Ought to Pass in New Draft

## New Draft Printed

Mr. Fraser from the Committee on Transportation on Bill "An Act Amending the Motor Vehicle Title Law" (H. P. 1869) (L. D. 2040) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Correcting Errors and Inconsistencies in Motor Vehicle Related Laws" (Emergency) (H. P. 2270) (L. D. 2337)

Report was read and accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

## Passed to Be Enacted

An Act Relating to Community-based Facilities for Children and Adults (H. P. 2142) (L. D. 2282) (H "A" H-1141 to C "A" H-1119)

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

## Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Joint Order relative to Committee on State Government reporting out a bill that after April 2, 1976 no further per diem allowance shall be allowed. (S. P. 781)

Pending — Passage in concurrence.

On motion of Mr. Rolde of York, tabled unassigned pending passage in concurrence.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act Relating to Exceptional Children" (Emergency) (H. P. 1797) (L. D. 1956) In the House, Passed to be Engrossed as amended by Committee Amendment "A" (H-1083) as Amended by House Amendment "A" (H-1104), thereto.

In the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-1083) as Amended by House Amendment "A" (H-1104) and Senate Amendment "A" (S-497), thereto, in non-concurrence.

Pending — Further consideration.

In the House: On motion of Mr. Lynch of Livermore Falls, the House voted to recede and concur.

The Chair laid before the House the third item of Unfinished Business:

Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and to Permit the Legislature to Override All or Part of Such a Veto by a Two-Thirds Vote of Each House (H. P. 1981) (L. D. 2170) In the House — Failed of Final Passage

In Senate, Finally Passed in non-concurrence. Pending — Further Consideration.

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

Mr. JALBERT: Mr. Speaker, am I correct that in my opinion it would be useless to make a motion to adhere. I think in order to put the item before us, am I correct in assuming that the motion would be that we recede and concur.

The SPEAKER: The Chair would answer in the affirmative, since the motion to recede and concur is necessary and for the motion to recede and concur to prevail, we would need a two-thirds vote, since that is what is necessary for a constitutional amendment to be ratified.

Mr. JALBERT: Mr. Speaker, I move that we recede and concur and I certainly hope that you vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House recede and concur.

Whereupon, Mr. Silverman of Calais requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House recede and concur. This being a Constitutional Amendment, it requires a two-thirds vote of those present and voting. All those in favor of receding and concurring will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Carpenter, Churchill, Conners, Cox, Curtis, Doak, Dow, Durgin, Dyer, Farley, Farnham, Fenslon, Finemore, Fraser, Garsoe, Gauthier, Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kany, Kaufman, Kelley, Laffin, Laverty, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, McBreairty, McMahon, Miskavage, Morin, Morton, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Rideout, Rollins, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Stubbs, Tarr, Teague, Tozier, Tyndale, Webber, The Speaker.

NAY — Albert, Ault, Bachrach, Bagley, Bustin, Call, Carey, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cote, Curran, P.; Curran, R.; Davies, Drigotas, Dudley,

Flanagan, Goodwin, H.; Hall, Hennessey, Hobbins, Ingegneri, Jalbert, Jensen, Kelleher, Kennedy, LaPointe, LeBlanc, Lizotte, Mahany, Martin, A.; Martin, R.; Maxwell, Mills, Mitchell, Mulkern, Nadeau, Najarian, Norris, Pearson, Peterson, P.; Post, Powell, Raymond, Rolde, Saunders, Talbot, Theriault, Tierney, Torrey, Truman, Twitchell, Usher, Wagner, Walker, Wilfong, Winship.

ABSENT — Bennett, Byers, Dam, DeVane, Faucher, Hewes, Hinds, Hughes, McKernan, Peakes, Pierce, Quinn, Smith, Strout, Susi.

Yes, 76; No, 60; Absent, 15.

The SPEAKER: Seventy-six having voted in the affirmative and sixty in the negative, with fifteen being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

The Chair laid before the House the fourth item of Unfinished Business:

Bill "An Act to Clarify the Fish and Game Laws" (H. P. 1933) (L. D. 2121) (C "B" H-1050)

Pending — Acceptance of report of Committee on Bills in the Second Reading

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

On motion of Mr. Conners of Franklin, the House reconsidered its action whereby Committee Amendment "B" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "B" and moved its adoption.

House Amendment "A" to Committee Amendment "B" (H-1068) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: Under Committee Amendment "B", there is an increase in the stamp for Atlantic salmon fishing from \$1 to \$5 for the resident and \$15 to \$20 for the nonresident. I believe that this is in excess, and I have contacted a number of salmon fishermen and the Narraguagas Salmon Association and a group of sportsmen's clubs in Machias, and they are all opposed to any increase in the salmon stamp. Also, we have a number of youngsters who spend a good many hours learning to fly fish for the Atlantic salmon. I would certainly hope that you will support my amendment so that these youngsters will have a chance to fish without excess spending on their license.

As you know, our new laws and regulations increasing the fishing license for the nonresident has already gone up this year over 70 percent, and we also have an increase in the resident fishing license, so I see no need for this drastic increase and I hope that you will support this amendment.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I haven't got the amendment before me because I sent out for it, I am sorry for that, but there is one thing that I would like to say. I don't believe we should let our nonresidents in here and fish for salmon that cost us about a hundred dollars a salmon to raise and keep it going when over in Canada, you step across the line from my place, they are \$75, plus a guide, to fish for these salmon in Canada, with the exception of a designated place. You can go to them and they will designate one place that you can fish, and that usually is where there aren't any salmon. So you have got to have a license and a guide in order to fish where there is salmon.

I believe that if we are going to raise money for the Fish and Game Department, this is one place to do it. I believe the one to five for a resident, if it includes children, is a little too high. Maybe up to 16 years old there could be a change there, but to lower this any lower for the

nonresidents. I think any increase we put on them is that much more money for us. I think we are spending practically 70, 80 or 90 percent of every dollar we receive from the out-of-state fellows to put this back for them. We aren't realizing a big profit on them. We think a fishing license or hunting license is extremely high for them and we are making a lot of money, but this is not true. We are spending that much money, especially on salmon. I hope you stop and think what it costs us to raise salmon.

I have the amendment before me now, but it still doesn't show the things I really wanted, but that is perfectly all right. This morning, I would move for indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the indefinite postponement of House Amendment "A" to Committee Amendment "B".

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

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I have a little personal interest in this salmon tax stamp, as it was a bill that I sponsored in the regular session. It was brought to my attention, and I have caught a lot of barrage about it over the short time that it has been on, because it was put on in Washington County primarily, where the salmon rivers are.

We do have a program to bring back the Atlantic salmon which at one time apparently our rivers had a great many of. They are a great game fish, as many of you know. I am not even a fisherman, but I think that any of you that are can appreciate this great game fish.

I will agree with Mr. Finemore that Canada does charge tremendous license fees, and this was primarily the reason why I put on a dollar, and at that time I had suggested a \$10 nonresident tax stamp on the Atlantic salmon. The small funds generated would go to help the Atlantic Salmon Commission with a little bit of money which, I am told, is used in the spring of the year to repair some of their dams and fishways and that type of thing.

It is not a big generator of money. When it was put on, somehow in the bill it got written \$15 dollars, and of course, this right away drew the ire of a lot of small clubs down in that area who have a larger membership, as I understand, from out-of-state fishermen. There was a crowded situation on the rivers and my feeling was in putting the stamp on that maybe we might thin out one or two fishermen, which maybe isn't right, maybe that isn't the right attitude, but at least we were doing something for this wonderful game fish.

The ink isn't even dry on the tax stamp when now there is an increase on it. I just don't feel at this time — I would go along with the Representative from Franklin who is very well acquainted with this and the people involved because it is in his district, and I agree with Mr. Finemore on one hand, but I don't think that you should be bumping these things up just in the length of time we have gone from the regular session to the special session.

I would hope that you could support Mr. Conners' amendment to hold it for a little while at a dollar and \$15. As I said, I had originally suggested a dollar and \$10, but somewhere the department, in the printing of the bill, it came out a dollar and \$15, so it is \$5 higher than I wanted it originally, and maybe some day we will have to go to this and get it a little higher, but I think for the meantime, for the few rivers involved, the clubs that are there, this is a reasonable amount, but I do not go along with \$5 to our residents and \$20 for nonresidents at this time. We have just had an increase here on all their licenses and we are going to drive these people out of the state. I know this department

is run by the funds that are collected off the licenses.

Thereupon, Mr. Finemore of Bridgewater withdrew his motion to indefinitely postpone House Amendment "A" to Committee Amendment "B".

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

Mr. MacEachern of Lincoln offered House Amendment "C" to Committee Amendment "B" and moved its adoption.

House Amendment "C" to Committee Amendment "B" (H-1164) was read by the Clerk.

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

Mr. DOW: Mr. Speaker, I would like to ask a question. Is this actually germane under Rule 21, as this bill was killed in the regular session?

The SPEAKER: Could the gentleman from West Gardiner, Mr. Dow, inform the Chair what L. D. number it was?

Mr. DOW: Mr. Speaker, I don't have it right now, but I could probably get it for you.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: Back in the 106th Legislature, we enacted a pheasant stamp, and this was one dollar. It expired — the effective date of this I got out of the public laws, it expired in 1974. So as far as I can see, we didn't have any pheasant stamp to start with at the beginning of this session. I don't see how you can replace it or put it back on the books when it has already expired. Miss Hayes downstairs gave me this to show that this expired at the end of 1974.

The SPEAKER: The L. D. to which the question is pending was L. D. 566, which had been introduced by the gentleman from Island Falls, Mr. Walker, "An Act to Increase Certain Hunting and Fishing License Fees." That bill was enacted into law and therefore was not rejected by this body. Therefore, based on the fact that it was not rejected, the Chair would rule that it is not in violation and that the amendment would in fact be germane.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: My purpose in introducing this amendment is to insure that the present program continues within the program. Since the pheasant stamp that we had before expired, the pheasant raising program has been curtailed greatly. They don't raise anywhere near as many pheasants as they used to. It costs approximately \$8 to raise a pheasant to adulthood. This money is coming from the Fish and Game Department now.

In my area and all over northern Maine there aren't very many pheasants. At the same time, my hunting license fees pay part of the cost of raising these pheasants. It is my contention that anybody who wants to hunt pheasants should pay the bill. It costs better than \$80,000 a year for the pheasant program in the Fish and Game Department. I am sure that anybody that is a pheasant hunter and lives in the pheasant area would be perfectly willing to pay for a stamp so that he could hunt pheasants. The pheasants are mostly put out on the coastal areas because that is the only area they will survive.

I feel that in all fairness to people in northern Maine who don't hunt pheasants, that the pheasant hunter himself is the one that should pay for this program. If it doesn't go this way, they should do away with the pheasant program. I urge you to vote for this amendment.

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

Mr. DOW: I really don't think there is any need at this time to have the pheasant stamp and so I move that we indefinitely postpone this amendment, and ask for a division on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that House Amendment "C" 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.

Mr. MacEachern of Lincoln requested a roll call vote.

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

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

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

#### ROLL CALL

YEA — Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Bowie, Call, Carroll, Carter, Chonko, Churchill, Clark, Connors, Cooney, Curtis, Dow, Drigotas, Dyer, Farley, Farnham, Fraser, Goodwin, K.; Gray, Greenlaw, Hunter, Hutchings, Immonen, Jackson, Jacques, Kany, Kelleher, Kelley, LaPointe, Laverty, Leonard, Lewis, Littlefield, Lizotte, Mackel, MacLeod, Martin, A.; Maxwell, Miskavage, Mitchell, Morin, Najarian, Perkins, T.; Pierce, Raymond, Rideout, Rollins, Shute, Spencer, Sprowl, Tarr, Tierney, Truman, Twitchell, Winship.

NAY — Albert, Ault, Berry, G. W.; Birt, Blodgett, Boudreau, Burns, Bustin, Carey, Carpenter, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Doak, Dudley, Durgin, Fenlason, Finemore, Flanagan, Gauthier, Goodwin, H.; Gould, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Ingegneri, Jalbert, Jensen, Joyce, Kauffman, Kennedy, Laffin, LeBlanc, Lewin, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, R.; McBreairty, McKernan, McMahon, Mills, Morton, Mulkern, Nadeau, Pearson, Pelosi, Peterson, P.; Powell, Rolde, Saunders, Smith, Snow, Snowe, Stubbs, Susi, Teague, Theriault, Torrey, Tozier, Tyndale, Usher, Wagner, Walker, Webber, Wilfong.

ABSENT — Byers, Connolly, DeVane, Faucher, Garsoe, Hughes, Norris, Palmer, Peakes, Perkins, S.; Peterson, T.; Post, Quinn, Silverman, Strout, Talbot.

Yes, 59; No, 75; Absent, 16.

The SPEAKER: Fifty-nine having voted in the affirmative and seventy-five in the negative, with sixteen being absent, the motion does not prevail.

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

Mr. Tozier of Unity offered House Amendment "D" to Committee Amendment "B" and moved its adoption.

House Amendment "D" to Committee Amendment "B" (H-1172) was read by the Clerk.

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

Mr. TOZIER: Mr. Speaker, Ladies and Gentlemen of the House: This House Amendment "D" puts into Committee Amendment "B" the reduction of the increase in snowmobiles which will come into effect July 1. Last time we acted on this, we increased it to \$12.50, which was an 84 percent increase. All the other licenses we increased from 25 to 28 percent and this puts it in the 25-28 percent bracket.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and

Gentlemen of the House: I move the indefinite postponement of this amendment and would speak briefly on it.

The SPEAKER: The gentleman from Kittery, Mr. Kauffman, moves the indefinite postponement of House Amendment "D" to Committee Amendment "B".

The Chair recognizes the same gentleman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: The decrease in the registration fee of snowmobiles will mean approximately a loss of \$102,000 to \$105,000 for the Fish and Game Department.

A snowmobiler goes out and buys a snowmobile today, it costs at least \$2,000, he registers it for \$12.50. If he does not choose to register it, it can sit in his yard, the town or municipality gets absolutely no revenue from it whatsoever. People who own boats in most towns have to pay to register their boat with the state, they also pay a personal property tax to the town — snowmobilers do not. Therefore, that is why I urge for indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Saint Agatha, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against indefinite postponement this morning, as the gentleman from Unity, Mr. Tozier, mentioned, last year in the regular session of the 107th, the members of the Fish and Game Committee increased all hunting and fishing licenses by 20 or 25 percent. You will note here that the \$10, which is the present registration fee for snowmobiles, out of that \$10, \$6 goes back to municipalities, \$3 is retained by the Department of Fish and Game and \$1 goes to Parks and Recreation. That \$2.50 is obviously more than 25 percent.

I would be the first one to admit, as a member of the Fish and Game committee, we made a big error last year, we increased all fishing and hunting licenses by 25 percent, we made an error, turned around and increased the snowmobile fees by 80 to 90 percent. This was done without a public hearing.

Ladies and gentlemen, I would urge you to vote against indefinite postponement and when the vote is taken, Mr. Speaker, I request a roll call.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: There are some people here who seem to have a problem with their multiplication. They keep referring to something costing 84 percent, according to the front row; 89 percent according to the middle section; and if you take \$10 and you increase that by \$2.50, you are coming up with a 25 percent increase. The argument that these people are having is the fact that the Fish and Game Department would go from \$3 to \$5.50. Now, that is a 84 or 85 percent increase, but the snowmobiler is out \$2.50 out of his pocket and any way you cut that, it is a 25 percent increase.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I was telling some of the boys in the hall this morning, I had a call a short time ago from a gentleman from Presque Isle who was kicking about this \$12.50 license fee for this. We had in our town, prior to this new law, approximately 50 snowmobiles that paid excise tax and they averaged \$15 and a few cents. In other words, we lost \$7,500 excise tax in our town to get back those same 50 which would bring us back approximately \$300. We went down quite a lot.

I think today, with anyone who is buying a \$2,000 snowmobile whose first year tax under the 24 mill rate would be \$48. As he goes on down, his minimum probably would reach \$15 for his excise alone, not considering the cost of the other things. So, I believe today, if we are

going to put this amendment on, this bill should be held up a little and make some changes whereby the excise tax goes back on.

I think if someone out here has three snowmobiles in their dooryard and at the same time they are declared low income — I don't begrudge the low income of having these snowmobiles, but in our town one gentleman had two in his dooryard and an automobile and a short time ago he was placed on the low income and he gets every single item that is allowed, unemployment, food stamps, care for his family in the hospital and doctors, I am not against that, he is a carpenter by trade, but at the same time, about the only thing we are getting out of a lot of these people is this license. I don't want it to go above the \$12.50, I am not saying that.

Now you take in the woods, you pay an excise on a skidder, I believe the Speaker and many more know that is about \$300 or \$400, up as high as \$1,000 for an excise tax on a skidder which is something you are using trying to make a living with. Here we are today talking about lowering an item that the excise tax on when new would be \$48, now we are registering it and everything for \$12.50.

I go along with indefinite postponement of this amendment.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Two things have been said here that I don't think are completely true. This has been mentioned as a decrease in the fees. It is not a decrease in the fees, it is a decrease in the increase that would take effect in July. That is one thing. Secondly, it has been mentioned that this is a loss of revenue to the department. I don't feel it is a loss of revenue because the increase to \$12.50 wouldn't become effective until July, so they haven't had any increase yet.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I favor this amendment. Mr. Kauffman is right, a Cadillac snowmobile would cost \$2,000, but there are not too many Cadillac snowmobiles around at that price, there are many for less. I know, we have some.

I think that anything that keeps the family together, and I am sure that snowmobiling does, you see whole families out on the weekend, if we want to keep the kids off the streets, this is one way of doing it. We are not decreasing it, as has been mentioned, we are increasing it \$1. The increase hasn't gone into effect yet so the department isn't losing any money. I would ask you to favor this amendment rather than postpone.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: The Performance Audit Committee did a complete study of the Inland Fish and Game Department during this last year and, as you probably know, a bill that has gone through this legislature indicates that the department cannot live on its dedicated revenue any longer. The committee recommended that up to 10 percent of their operating funds be provided from the General Fund in the next regular session of the legislature. During this study, we discussed the snowmobile situation, and even though the department has not received any revenues from the new increase, they are planning on that to help their deficit position in the second year of the biennium. They also told us that snowmobiles have cost the department money from their other dedicated sources over the years but with this increase they would now be more equal and be paying their fair share of the costs in the department for the things the department does to enforce snowmobile rules and regulations.

I hope that you will go along with the indefinite postponement of this amendment because I know the department is planning on this revenue and it is needed and if we don't get it here we are going to have to get it somewhere else.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: To go along a little bit with what Mr. Hinds just said, this dollar increase that we are asking in this amendment will give the Fish and Game enough money to take care of their expenses as far as the Fish and Game is concerned. The only thing that they do in the department for the snowmobilers is take care of the distribution of the money and enforcing the laws. This dollar will give them enough money so that it will take care of that figure.

Also, there is one heck of a lot more \$300 and \$400 and \$500 snowmobiles out there than there are \$2,000 snowmobiles. I think the \$11 fee is sufficient.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It is common knowledge that I have the utmost respect for the gentleman from South Portland, Mr. Hinds, wherein it concerns his ability to ferret out where we might pick up some money and also he has good eyes as to where expenditures are being made or things don't look just right. While he was doing his work on the survey, I hope he looked thoroughly at the Taj Mahal they have built for themselves over there. That is the best in the country.

I would like to go along with the snowmobilers. I would go along with Mrs. Berry. I went once this year, I was invited, there were 400 people all gathered in one place, at noon they were enjoying their lunch, they were enjoying themselves. I am not a snowmobiler, all I hear is the zing of a snowmobile behind my house.

I am amazed a little bit at the gentleman from South Portland, Mr. Hinds, that he didn't observe just what was going on over there. Let's remember that he and I both were around when we set up this department and I still am trying to figure out whether or not the snowmobile registration and the boating registration shouldn't be combined. I was wondering whether or not when the Performance Audit Committee looks things over that they might enter that area, which means a cut of \$200,000 or \$300,000.

There are some things that you can do in the winter, things that you can't do in the summer. Sometimes you might combine the two, come up with one deal and save a lot more money than this thing would mean.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that someone has mentioned the fact that the Fish and Game Department needs the money and they need it badly. I would refer to a review of the financing of the Department of Fisheries and Wildlife, the study that was made for the Performance Audit Committee, and point out that at the end of June 1975, after they had spent every single cent that they possibly could spend, they still had \$1,399,519 they just couldn't possibly spend in spite of the fact that they have got that nice Taj Mahal. They probably had everything that they could put in it.

The department defends the fact that they need this very large surplus because the woods may be closed and they may lose the money in the license fee account because of a closing of the woods because of fire threats and everything. I would say that if they are planning on losing a million dollars in license fees

because of a forest fire or what have you, maybe like Bar Harbor in 1947, we may have created such an emergency that the legislature at that point could come in and kind of handle it. It would be something extraordinary and the legislature might possibly come in for something like that. So, obviously, the money that you are asking for is much more than they really need.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to a couple of statements made by the gentleman from Waterville, Mr. Carey, \$1,300,000 surplus in that department is not a great amount if you would check over the years. One bad year that we had when hunting and fishing registrations were down wiped out that surplus a few years back, number one. Number two, the business manager in the Department of Inland Fisheries and Game assured the Audit Committee when we were studying this that by June 30, 1976 that \$1.3 surplus would be down to practically nothing.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question. I believe I read somewhere where the department was going to get money from the work they did for the DEP. I was wondering if this was so?

The SPEAKER: The gentleman from Benton, Mr. Hunter, poses a question through the Chair to any member who cares to answer.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Hinds attended the very same hearings that I did. Mr. Hinds is in possession of the very same piece of paper that I am, volume of paper as a matter of fact, and the year that he is referring to is 1967, and quite conveniently, these figures refer to the year of 1967 and the sum that was wiped out was really reduced to \$382,000, so they weren't really wiped out.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I do hope you go along with indefinite postponement so we can keep that \$1.50 in the Fish and Game treasury, so they can pay me back, maybe I can put a bill in for the damage they have done to my Christmas trees.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I guess no one answered my question. I wonder if Mr. Hinds could answer that, if they did that in the study there.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question for him, no, they are not getting any money from DEP.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey, who may answer the question.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Generally, Mr. Hunter, the department is asking for about 20 percent in outside funds to maintain their accounts that they handle for the DEP as well as other little things that they do. So, they were coming to the General Fund for that particular purpose. That, by itself, will have to be something you will have to determine in your own mind. I would dare say that they are doing enough work for other departments that they may very well be entitled to go to the regular fund.

Thereupon, Mr. Carey of Waterville was granted permission to speak a third time.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Personally, I could go along with letting Fish and Game dip into General Fund revenues as long as they are intending on keeping into the dedicated revenue field, providing that as long as they are going to be doing that they reduce substantially the surplus they are allowed to carry. There is absolutely no reason for us to appropriate \$400,000 or \$500,000 — I think they were asking for \$428,000 when they were before our committee. It is ridiculous for them to have \$1.4 million in the bank and come begging for \$400,000 out of the General Fund. We haven't got that money to go around on anything else, we certainly are not going to give it to somebody who is currently carrying a 26 percent surplus. I couldn't carry a 26 percent surplus in the City of Waterville, I certainly would not be mayor very long, and I would not be sent back here at the next election, which I certainly hope to.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Kauffman, 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.

#### ROLL CALL

YEA — Bachrach, Boudreau, Call, Cox, Curran, R.; Curtis, Dudley, Durgin, Dyer, Fenlason, Finemore, Fraser, Hennessey, Hewes, Higgins, Hinds, Kauffman, Lewin, Lewis, Lunt, Mackel, Martin, A.; Maxwell, McKernan, Mills, Morin, Perkins, S.; Peterson, P.; Raymond, Teague, Walker, Webber.

NAY — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Burns, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cote, Curran, P.; Dam, Davies, Doak, Dow, Drigotas, Farley, Farnham, Faucher, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hobbins, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jaibert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Littlefield, Lizotte, Lovell, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; McBreairey, McMahon, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Pearson, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

ABSENT — Byers, Connolly, DeVane, Garsoe, Hughes, Palmer, Peakes, Strout, Susi. Yes, 32; No, 110; Absent 9.

The SPEAKER: Thirty-two having voted in the affirmative and one hundred and ten in the negative, with nine being absent, the motion does not prevail.

Thereupon House Amendment "D" to Committee Amendment "B" was adopted.

Mr. Martin of Saint Agatha offered House Amendment "E" to Committee Amendment "B" and moved its adoption.

House Amendment "E" to Committee Amendment "B" (H-1175) was read by the Clerk.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask the gentleman from Saint Agatha to please explain his amendment.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, poses a question through the Chair to the gentleman from Saint Agatha, Mr. Martin.

The Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question of the young Representative, the purpose of this amendment is very clear in the Statement of Fact. All it does is provide that \$6 of each fee shall be annually distributed to the county of the owner's residence as shown on his registration certificate. As I mentioned earlier, Mr. Speaker, \$6 of each snowmobile registration fee goes back to the municipalities. Because of its technicality and the definition of a municipality, unorganized townships cannot presently attain the \$6. Therefore, Fish and Game is presently holding the \$6. All this will do, it will provide, for example, the town of T-17 R-4, Sinclair Fish and Game, the commissioner of, will be authorized to send this \$6 to the county treasurers.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: In response to what Mr. Martin has said, if it goes to the county treasurer, does it then go back to the town clerks of the individual towns? How is this money going to be spent then?

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, poses a question through the Chair to anyone who cares to answer.

The Chair recognizes the gentleman from Saint Agatha, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As I mentioned, presently, \$6 does go back to the towns, it goes to the town fathers. If you do have a snowmobile club or more than one snowmobile club in that town, they make their request to the town fathers, it is voted on at the town meeting and they get an X-amount of dollars. All I am asking is the same privilege for unorganized townships. Contrary to belief, there are some unorganized townships in northern Maine that do have residents living in them. All this will do is allow them the same privilege.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would pose an inquiry through the Chair. I don't have the amendment in front of me. If there is an organized town, does the fee still go back to that town, and it only goes to the county if there is no organized town?

The SPEAKER: The gentleman from Standish, Mr. Spencer, poses a question through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from Saint Agatha, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: That is correct.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I believe there may be a technical problem with this right now. We indicate here that the annual fee will be \$12.50 and just changed it back to \$11.

Thereupon House Amendment "E" to Committee Amendment "B" was adopted.

Mr. Spencer of Standish offered House Amendment "B" to Committee Amendment "B" and moved its adoption.

House Amendment "B" to Committee

Amendment "B" (H-1153) was read by the Clerk and adopted.

Committee Amendment "B" as amended by House Amendments "A", "B", "C", "D" and "E" thereto was adopted.

The Bill passed to be engrossed as amended by Committee Amendment "B" as amended by House Amendments "A", "B", "C", "D" and "E" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the fifth item of Unfinished Business:

Bill, "An Act to Provide for a Line Budget Procedure for All School Systems" (H. P. 2208) (L. D. 2308)

Tabled — (Till Later Today) March 31 by Mr. Rolde of York.

Pending — Adoption of Committee Amendment "B" (H-1151)

On motion of Mr. Lynch of Livermore Falls, tabled pending adoption of Committee Amendment "B" and later today assigned.

The Chair laid before the House the sixth item of Unfinished Business:

Bill, "An Act to Clarify the Laws Relating to Marine Resources" (H. P. 2010) (L. D. 2192)

Tabled — (Till Later Today) March 31 by Mr. Greenlaw of Stonington.

Pending — Passage to be Engrossed.

Mr. Greenlaw of Stonington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1168) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" merely puts back onto the bill the additional provisions that were contained in the Committee Amendment which we indefinitely postponed yesterday.

I have two more amendments that are coming, there is one to the House Amendment and one to the bill, and I would appreciate it if someone would table it until later in today's session.

On motion of Mr. Talbot of Portland, tabled pending adoption of House Amendment "A" later today assigned.

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

An Act Concerning Transit District Buses Used for Elementary Pupil Transportation (H. P. 1996) (L. D. 2177) (S "A" S-439 to C "A" H-980)

Tabled — March 31 by Mr. Rolde of York.

Pending — Reconsideration (Returned by the Governor without his approval)

On motion of Mr. Rolde of York, retabled pending reconsideration and tomorrow assigned.

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

Bill "An Act Concerning Shellfish Licensing" (H. P. 2131) (L. D. 2277)

Tabled — March 31 by Mr. Greenlaw of Stonington

Pending — Adoption of Committee Amendment "A" (H-1158)

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

Mr. GREENLAW: Mr. Speaker, I regret to say that there are two amendments to Committee Amendment "A" that have not been reproduced yet and I would appreciate it if someone would table until later in today's session, please.

On motion of Mr. Higgins of Scarborough, tabled pending adoption of Committee Amendment "A" and later today assigned.

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

Bill "An Act to Clarify the Retirement Statutes" (Emergency) (H. P. 1860) (L. D. 2027)

Tabled — March 31 by Mr. Rolde of York.  
Pending — Adoption of House Amendment "B" (H-1133) to Committee Amendment "A" (H-1105)

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: On House Amendment "B" to Committee Amendment "A", I will move for indefinite postponement of this amendment and I would like to speak on it.

We are in favor of this amendment except for one portion of it. The first part of the amendment will be taken care of by an amendment that we will put in later and the last part of this amendment is also being taken care of by another amendment that will be put in later. The part that we object to, the central part of it where it would affect the accumulated sick leave benefits, this is the part that we object to and this is the reason why we want to have the amendment indefinitely postponed. The part of it that says that we would restrict the amount of sick leave benefits to 90 days is all that we feel that the retirement fund can support. If we leave this so that the sick leave can be accumulated without end and can continue to accumulate, in fact, it has been stated in one of our committee hearings on this, that it could go as high as two years, this is based on the fact that the sick leave benefits for each year that accumulates, if it is not used, and if it is not used during the life of the person or during the time that the person is working, then that would come to approximately two years working time.

Now, this would end up by meaning that the retirement pay would be based on the fact that these two years and the last year of employment would be based on the retirement benefits that would be paid. In other words, the last year's pay would be what it would amount to and the fact that the last two years would not be paid by anyone and would have to come directly from the retirement system, the added benefits I mean, so that this is one way of ballooning the costs that we have no control in the retirement system to take care of. We feel that this matter that is being taken care of, that is beyond the control of the retirement system and when they get down to the negotiating table where this is negotiated, there are two parties in the negotiations which states that they decide that one of the benefits that will be given to the employees is a better sick leave benefit, which would be an increase to their retirement pay and that one side of the negotiating teams will say to the other, well, you can give us this because it costs us nothing, which is true but the fact of the matter is, the third party that should be there to negotiate the party that would be paying for this does not even have a voice in the matter.

I feel definitely that this amendment should be indefinitely postponed.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Greenlaw assumed the Chair as Speaker pro tem, and Speaker Martin retired from the Hall.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I also hope that you will vote to indefinitely postpone this amendment. I have an amendment before me

that I am going to offer that will do exactly the same thing as this amendment with the exception of the teachers' sick leave.

This amendment that is before us now creates kind of a unique situation where two parties are bargaining and the third party who is not involved in the bargaining has to pay the bill, this third party being the State of Maine. Teachers' retirement is a little unique also, because the share of the pay-in for teachers comes from the State of Maine, and participating districts, that share come from the district itself.

This amendment, in my mind, does not take anything from the teachers, it provides that they can bargain beyond the 90 days with the districts but that any costs resulting from this would be borne either by the district, by the teachers or a combination of both, which is a matter of negotiation, so I hope you will vote to indefinitely postpone this amendment and adopt my amendment later.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do support the indefinite postponement. I am not going to speak in regard to negotiations but speak generally that I am opposed and you ought to be opposed to any benefits that are not actuarially funded.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: As you know, this House Amendment "B" is the one which I prepared a few days ago. The Veterans and Retirement Committee immediately panicked and they have been scurrying around ever since to try to mollify whatever effect this would have and I am going to explain to you what happened in that regard.

First of all, let me say to you that you have a misnomer in front of you. This is "An Act to Clarify the Retirement Statutes," it is not what it is at all, it is an act to reduce retirement benefits. There are a few technical changes which my amendment would allow to remain, but the thrust of my amendment is to maintain the bargain, and I will say that again, to maintain the bargain that was struck at the end of the last regular session.

You will recall then that there was a tremendous fight going on here, the bill ended up in non-concurrence and there was a Conference Committee. The purpose of the Conference Committee was to work out an agreement between those who were adversely affected by the changes proposed, by the retirement committee, and the retirement committee itself. There were a number of agreements reached. The first one impacted local firefighters and local policemen and local teacher associations and local public works departments and that was that instead of figuring their retirement benefit on final compensation, one year, that it be moved to the average of the best three. The argument that I raised then, in which the House concurred, was that there should be a two-year bargaining period. That agreement was struck, the retirement committee came in here with Committee Amendment "A" which negated that agreement, and because we had some fire fighters in uniform here this week, they have now backed off that agreement.

The other thing that you all recall, and I will remind you then that Mr. MacEachern from Lincoln never left my side when I was fighting that fight in the regular session for the state police, never left my side once, thought I was hero in trying to defend that issue, and that is whereby the committee wanted to move to the average of the best three years and take away the state police final retirement benefit based

on the last year to overcome the ballooning effect, so-called, and the agreement that was struck then was that that could be done by when we reached eligibility they could continue working for a 2 percent retirement increase, accompanied by a 6.5 contribution rate. That agreement was struck. The state police, because of that additional benefit, now say that it is okay to move the effective date up; my amendment takes care of moving that effective date up.

What Mr. MacEachern's amendment now does and what the committee evidently has come to, instead of going back on their total agreement of all of these items that I have talked with you about, they have now isolated teachers. The quid pro quo in that particular bargain that was struck was this, that in those local school districts where teachers were paid for accumulated sick leave and receive that lump sum payment added to their last year, that would be struck out and in return for that, what the Conference Committee agreed to was, accumulated sick leave would be applied to retirement credit.

Now, the people on that Conference Committee, as far as I know, and the other ones can speak for themselves, were aware that we were talking about really a two-year thing whereby the next legislature could come in, review all of these retirement plans, see the impact on the local districts and then decide, after thorough study, what further changes might be made and hopefully made with the people whose retirement benefits are impacted, not have a committee amendment come sailing out of the committee without any input whatsoever. I am asking the House of Representatives today to keep the agreement.

Mr. Farnham has negotiated for management of the Great Northern, he knows that when you make an agreement you keep it unless both sides agree that it be changed and that, essentially, is what you are dealing with today.

I am asking you to keep the agreement and I request the yeas and nays.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning, obviously, to support the gentleman from Rumford, Mr. Theriault and I, of course, must address my remarks to the remarks of the gentleman from Augusta. You have heard the arguments that the bargaining between teachers and their local units is between them but that the state pays the bills. I think that point has been well made and I won't discuss that any further and the gentleman from Augusta, of course, did not deny that, which, of course, he could not.

It is not correct to say that the Veterans and Retirement Committee panicked, that is good rhetoric but it does not mean anything, because the Veterans and Retirement Committee was concerned when the amendment came out and the House chairman of that committee was very much concerned because it did not reflect what he had expected it to. So, he took immediate steps to make the corrections that we all agree are part of the agreement and that the gentleman from Augusta refers to.

I was not on this so-called Conference Committee that took place a year ago but I have talked to people who did participate and I can tell you that honorable people on that committee do not feel that any bargain is being breached if we go to this 90 day thing. They do not feel that that was a matter of negotiation at the time. I think this is a matter of opinion and you must let your own judgment come down on which side you think it should be.

But it is absolutely incorrect to say that we are reducing benefits unfairly, the reason being that the results of present contracts are grand-



fathered in and until present contracts expire, if you read this carefully, you will see that any sick time that has been accumulated and is included in that contract is being allowed to stay and anyone who retires, as a result of that will be paid on that basis.

You might be interested to know what sort of teacher contracts are out there as far as accumulated sick leave is concerned. They go all the way from 90 days, which happens to be the minimum, up to unlimited. In other words, there are some contracts which have been negotiated which allow the accumulation of sick leave to no limit on the number of days. One has a limit of 245 days, so it is obvious that no limit means something in excess at least of 245 days.

The whole thing I think you need to think about today is, do you feel that 90 days is an adequate amount of sick leave to accumulate to be incorporated into the retirement system or do you think it should go to an unlimited number? That is basically what we are talking about. Remember, with respect to school employees, school teachers at least, 90 days represents approximately more than one half of a year. At least about a half a year. I think we have to realize that 90 days is a pretty reasonable figure.

State employees have nothing beyond 90 days. One of the things which the committee is attempting to bring before you people is uniformity of the retirement system. I think we should always remember that the retirement system basically is designed for state employees. It is only because it is an excellent retirement system and because it is advantageous for the teachers to be connected with it and for local units to be connected with it, that they choose to be connected with it and have chosen so on their own volition, but 90 days is what the state employees can accumulate as a maximum. The committee felt that it was reasonable to eventually get everyone on the 90 day schedule, but remember, in my opinion and in the opinion of people who did the negotiations, this was not a matter that they were struggling with a year ago; therefore, they have not abrogated any agreement and that the teachers who presently have contracts which go beyond 90 days are grandfathered in, so I think there is ample protection for everyone here and I hope you will support the motion to indefinitely postpone.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I rise because I was the sponsor of the amendment last year that we are trying, in my opinion, to take the inequities out of this year.

If you recall, last year when I introduced the amendment, that same amendment was turned down, and the leader of the charge was Mr. Bustin. When we took that same gentleman and a few other people out back and explained to them what we were doing, they reintroduced or asked for reconsideration of the amendment and I supported its reconsideration.

I hear a lot on negotiations that we are breaching a contract or an agreement that we had last year and I really don't know what went on in the negotiations but I know for one thing that there was a very limited amount of understanding of the amendment that I proposed. The reason I proposed it was because I thought that the state employees, and I wasn't thinking of districts or anybody else, just the state employees, that they should have an incentive not to take the sick leave in the later years of their employment. I still stand firm on that. I think eventually that the state will save money with that incentive because for every day that the employee doesn't take his sick leave, it is

certainly a day gained in productivity for the state and the taxpayers of the state.

I do somewhat object to my own amendment, thinking about it now, that that is kind of a deficit funding in that we are getting something today for which we are going to pay for tomorrow because we are not really putting money into fund that at the time that it is giving us the benefit.

My main concern in working with the retirement laws last year was to make sure that everything was equitable, everybody was treated fairly and equally. I was shocked at seeing this amendment in front of our committee this year and I, at first, like Mr. Bustin, scurried around and thought that it was going to negate anything that I was trying to do or had tried to do last year. Then I suddenly realized and people told me and assured me that it was not fair, that on the teaching level, that the teachers had been negotiating a contract on the local level with people in various municipalities who have nothing to lose by granting this benefit.

Simply by granting sick leave for 120, 150, to 200 days that can be accumulated, they can give that same individual, without any costs to themselves in that total grant, an added retirement benefit. On the other hand, the state employees only have a 90 day accumulated sick leave clause and they can have no more. I saw right there that it was not fair now, that there are certain groups that are going to be able to take advantage of it much more than the state employees. So for that reason, I support the 90 days.

We are not taking it necessarily away from these employees beyond that because they have the option of buying the rest of that time and actuarially, it is a gamble to buy it, I realize, but if those employees want to buy that sick leave time, then they can and the minimum return they would get — this is actuarially that there is an average life span of a person after he retires — he would receive twice the money back in retirement dividends than he would have put in had he bought that sick leave at time of retirement. It is a question, at that point, I feel, of the employee, whether he thinks it is worth the investment.

My concern is very definitely to make sure that we treat all people equally and the only way that I can see we can do that is to have 90 day clause in it. I hope you support indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: There are several points that I would like to make a little bit clearer if I can. The first part is when my friend Mr. Bustin from Augusta said that we were reducing benefits in our amendment. It was not our intention to do that and the first section of the bill 13-A was put in there where the original bill stated that anyone that would continue until after they had reached retirement age, the necessary number of years, if they continued in service would be eligible to have an increase in their retirement of 2 percent and would continue to pay whatever it was that they were paying in their deductions. That is normally around 6 or 6½ percent but it goes as high as 8 percent in some cases.

This part of the bill or the amendment would have changed this so that they would reduce the amount they would be paying in after they reached the age of retirement with the necessary number of years and where they would then figure the retirement on the district's part so that the formula would not be 2 percent but would go to a formula of the people in the rest of the districts, like we are referring now to the special benefits for the police and fire in dis-

tricts. In this case, some are paying as much as 8 percent, they would be reduced to whatever the remainder of the people in their area, like in my case in Rumford, the town employees are paying 5½ percent and they receive the benefits at one-fiftieth of their time, so the firemen and police would be reduced in their contributions to the same level as the other town employees, but their benefits would be increased. We felt that the 2 percent wasn't enough and it would probably be more than that if we accepted this.

We never thought that there were some districts — and I imagine that is our fault for not investigating more — but there are some districts that are still on the 5 percent. So this would not have increased their benefits and, therefore, that is why we put in an amendment to do away with that part of it and leave it at 2 percent. They will also leave their contributions as they are.

On the fire fighters and police officers, Mr. Bustin says that we scurried around here because we saw these people in uniform out there, and I will refer you to the fact that I had an amendment but I was a little bit slow on my feet the day that the bill appeared before us and wasn't able to put in which would have taken care of that, that was even before these firemen appeared in uniform. I don't want anyone to think that because the firemen came in here we changed our opinion.

This part of the bill was in error, the amendment I mean, because there was a section that was put in there that never was intended to be put in. It was lack of communication, I imagine, between us and our legislative assistant who drew up the bill. He misunderstood and that is the way it went and we tried to correct it as soon as possible.

Those are the two parts of the amendment that we approve of and we will correct if this present amendment is indefinitely postponed.

At no time did the accumulated sick leave benefits come up in the Committee of Conference. This amendment that was proposed by Mr. Leonard, if any of you remember, was the one amendment that I did not object to, I did not object to it and unfortunately, I guess, it was because I did not understand the consequences but that was the one amendment that we never fought. Therefore, I will say that when we went into the Committee of Conference, I imagine we all figured that this was decided there was no need of arguing about it or having it come up in the Committee of Conference. It never came up in the Committee of Conference. So, for those reasons I don't believe that we changed our minds on anything that was taken up in the Committee of Conference. The two changes that we did make, we were making for what we thought was to better the people.

Now, the section that would have affected the fire fighters was put in there to advance the effective dates of this bill. The reason we put that in is because we were asked to do this by the state employees, actually the Fish and Game Wardens. Before we put it in, we checked with the people that were involved in this, the state police, and also we checked with the one state trooper who had objected to the bill, originally, that is, Captain Jones, and he agreed that he wanted this to go in this way. That is the only reason why we put this in.

Therefore, I hope that you will indefinitely postpone this amendment so that we can put in the other amendment.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wallagrass Plantation, Mr. Powell.

Mr. POWELL: Mr. Speaker, Ladies and Gentlemen of the House: I am a little green at getting up here. I don't get up very often. I have been on the Veteran and Retirement Commit-

tee and appreciate what they did last year. I understand the Committee of Conference and what it did. I agree with Mr. Bustin that a bargain was struck. I would like to see this thing work a couple of years before we come back to really try to amend something out of existence that has only gone into effect for part of a year.

Secondly, I wish you would listen carefully to this. I spent 45 years in education. I was a classroom teacher in the public schools. I taught in a normal school, I taught in a college, I was registrar of the college, I was dean of the college, and as such, we hired teachers. When we gave them limited sick leave, we found that every year they would take every day of that sick leave. When we allowed the sick leave to accumulate, they let it accumulate because it might help them some day.

To go back to the public schools, this bill is aimed at the public school teacher. I am not one of those and haven't been for some 30 years. Well, what happens in that public school is this, I have been a school committee member and I know, if you limit their sick leave in that public school, say you give them 15 days a year, they are going to take it and you are going to hire a babysitter to sit in that classroom who cannot teach a thing, they just keep discipline because the kids are hauled in on buses. If you give them 30 days a year, you have the same problem. They will use it and you are going to hire babysitters. Now, they cost \$25 a day, to sit in the classroom and keep so-called discipline to keep those young people from killing each other or something like that when they go out and in in the classroom.

This is a different situation than the state employees. The state employee is sick, he is not replaced. Someone can keep the ship going until he gets back. I would, if the trend continues, in this committee, the way it has gone this year, the next thing you know they are going to take away from the state employees. I think you should think this over. Remember too, that the state is responsible for education in this state, and in the final analysis if your town fails the state takes it over. If the schools can't support themselves, the state is obligated by the constitution to take them over. Let's not just pick on the teachers, let's not go along with indefinite postponement of this amendment.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with my friend from Farmington, but he made one statement which I have got to take issue with. He said that the system was primarily for the state employees and because it was good, the teachers got into it. Now, actually the Teachers Retirement Association was well under way in 1942. At that time when state employees had worked 25 years, it was an unwritten law, that somebody put in an order to the legislature to let him retire at half pay, and they did. Very few people stayed with the state employees for 25 years. In the 1940's, people started working longer, so more and more people were retiring at half pay after 25 years out of the general fund, they had not contributed anything, there was no retirement system for them, so they were being paid out of the general fund each year. Well, that seemed to be accumulating quite a lot of money. Then in 1947, five years after the teachers association was under way, it was decided to try to set up something for the state employees. Clair Wood, was principal of Waterville High School, at the time, was really the chief architect of our present retirement system which was started in 1947. At that time in 1947, the teachers had already been paying in for five years. That fund that they had paid in was put into the present retirement

system as a backlog. The state employees, having expected to get retirement at half pay after 25 years, were not charged anything for their back pay, they were put in with all the credit free up to 1947. And the system has been combined from 1947 on. I want it distinctly understood there is a teachers system, the state employees were brought in because the cost of the retirement for the state employees was becoming so great out of the general fund that it was felt they should be combined and the larger amount of the money is all the money that was put in the fund when it started, was money that was already accumulated in the teachers fund.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I served on that Conference Committee with the gentleman from Augusta, Mr. Bustin, and we met many meetings on this problem and there was one problem that I was particularly connected with because I submitted one of the first retirement bills for teachers in 1961, which brought them out of the doldrums of living on peanuts and milk to the point where they had a minimum retirement fund. We not only felt that an agreement had been struck, which should have been kept, and I get a little bit fed up sometimes with the mathematical semantics that are played around with retirement funds that something is being done to spoil that retirement fund. I do not believe that this is true.

I sincerely hope that you listen to the words of Mr. Powell, from Wallagrass, who has long been connected with this problem too. I hope this is not aimed at the teachers, I don't believe it is, this legislature has been pretty fair with the teachers over the number of years that I was able to submit retirement bills for them.

I sincerely hope that you will not indefinitely postpone this because a very definite agreement had been reached and we should keep it.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to correct one thing that Mr. Powell insinuated. He insinuated that this is directed at the teachers alone. We are not zeroing in on teachers. There is a 90 days ceiling on all state employees. We are just trying to make the teachers fall in line with what the rest of the state employees are doing.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: Also, I would like to remind you that we are not cutting out anything. The means of negotiating for more sick leave is there. The only thing that we are taking out is making the state the one responsible for paying for that. If we leave it so that it is negotiable and it can be negotiated between the two parties that are at the table negotiating and not negotiated at the expense of a third party who is not able to say anything in the matter.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would summarize by making a couple of points.

In my opening remarks, I said that the committee was going to go back on the whole deal. Mr. Theriault indicated to you that was not true, that he, himself, had prepared House Amendment "A" to Committee Amendment "A".

Well, I am here to tell you that my amendment was prepared first, that the committee was going to do Committee "A" which goes

back on the whole deal. It is H-1105 if you want to look at it, and if that was not their intent, why is it here? Mine was prepared first. The legislative clerk works for Mr. Theriault, so when he got mine done, he prepared half of it for him and put "A" on it.

The second point: Was this bargain struck in the Committee of Conference? Mr. Tyndale was there and he says yes, and I was there and I say, yes. I will rest my case there.

The third thing is when my word is brought into question as to what happened there and when people are going after my position who were solidly on my side at the end of this regular session, I wonder whether I made the right decision then because we had the votes to kill that bill and instead we listened to the committee as to what their long-range plans were and we entered into a reasonable compromise.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: In a quieter vein, I would perhaps ask the gentleman from Wallagrass, Mr. Powell, if what he says is correct and that if 15 days is negotiated they are going to use it all and hire a babysitter or if 30 days is negotiated and they are going to use it all and hire a babysitter, perhaps it would be wise if school boards negotiated no sick leave and properly compensated teachers in case they were out and had to hire somebody else.

As far as Mr. Bagley is concerned, I don't want to get into an argument as to which came first, the chicken or the egg, but I would point out that it is the state retirement system, that the teachers do belong to the state retirement system, that the State of Maine pays all the bills for that, other than what the teachers put in for the benefits that the teachers are going to get and that when we did bring in the older teachers who had never been able to participate in any system, either the state or the retirement system that the gentleman from Kennebunk brought up, that they were brought in and this did definitely cut into the fund and the benefits have been paid for many years out of the fund when they had never placed anything in the fund to cover them. So, I think everybody has been used fairly. I agree completely, that as far as I am concerned, this was not aimed at teachers. I am particularly concerned that we get a uniform retirement system and I say that current contracts in force are grandfathered and that if anyone presently has 190 days or 245 days or 120 days coming to them, if they retire at the end of their current contract, they will get that and it will cost them nothing. So, that is all grandfathered in. And there, I rest my case.

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

#### ROLL CALL

YEA — Ault, Berry, P. P.; Birt, Bowie, Burns, Carpenter, Carroll, Carter, Connors, Curran, R.; Curtis, DeVane, Doak, Dow, Dyer, Farnham, Finemore, Fraser, Garsoe, Gould, Gray, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod,

Martin, A.; Maxwell, McBreairty, McMahon, Mills, Morin, Morton, Nadeau, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Silverman, Snowe, Sprowl, Susi, Tarr, Teague, Theriault, Torrey, Twitchell; Webber, Winship.

NAY — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Blodgett, Boudreau, Bustin, Call, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Dam, Davies, Drigotas, Durgin, Farley, Faucher, Fenlason, Flanagan, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hobbins, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Lizotte, Mahany, Martin, R.; Miskavage, Mitchell, Mulhern, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Saunders, Shute, Snow, Spencer, Stubbs, Talbot, Tierney, Truman, Tyndale, Usher, Wagner, Wilfong.

ABSENT — Byers, Carey, Dudley, Gauthier, Greenlaw, Hinds, Hughes, Kauffman, Laffin, LaPointe, McKernan, Smith, Strout, Tozier, Walker.

Yes, 66; No, 69; Absent, 15.

The SPEAKER pro tem: Sixty-six having voted in the affirmative and sixty-nine in the negative, with fifteen being absent, the motion does not prevail.

Mr. Leonard of Woolwich requested a roll call vote on adoption of House Amendment "B" to Committee Amendment "A".

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I hope we all realize what we are voting on. As Mr. Theriault has told you, we are not really changing anything as far as giving various individuals benefits. It is now that they will have to negotiate at least on the local level and there will be some fiscal responsibility on the local level towards giving those benefits. I don't think it is really fair to the state employees, for example, to limit them to 90 days and turn around on the local level, where they have no responsibility towards the fund, and this is being the school boards and people like this, where they have no responsibility towards the funds, to allow them to give benefits that could potentially jeopardize the state employees fund. So, I think that we have to realistically look at it and say, even though we are doing the teachers — even possibly going along with a commitment that we made, which I seriously doubt that we understood when we possibly made that commitment, we have to look at it in terms, are we doing more harm to the state employees in the process. For example, that if the fund does get in trouble, then who is going to be required to pay additional premiums towards adding to the funds stability or integrity? I think, quite frankly, that it would be unfortunate to have to take more funds from the state employees, for example, who can least afford it at this time in order to maintain the integrity of the fund which possibly might be jeopardized by granting this benefit which, when I introduced the amendment last year I did not realize, would be granted to a particular segment of the retirees.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think you must realize that by adopting House Amendment "B", you are now setting a bench mark, a bench mark that other members of the retirement system will want to have, state employees. You are setting a bench mark for the participating districts who will seek to have something that they do not have at present. I am very greatly concerned that participating districts are going to create problems for the municipalities in this state that they are going to have to face down the road. I don't think the districts and the voters in the communities realize the impact of retirement benefits that they are giving, as participating districts.

I am concerned that many of the benefits that participating districts are getting are not adequately funded in the retirement system. We have gone this route in past legislatures, giving and giving, and I am concerned that we have not been putting the dollars into it.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will slowly and carefully think about this, you will listen to the words of the gentleman from Livermore Falls. Don't forget that the City of New York has run into real trouble because of the tremendously generous pension plans they have set up, how our federal government is in real trouble because of the tremendous pension plans that are available to federal employees. It is not in any way to deprecate the efforts of teachers, state employees or anyone else, but the gentleman from Livermore Falls was very careful to point out that you are actually removing any bench marks, because the ceiling is unlimited at the present time and there are teachers contracts presently negotiated, which have unlimited sick leave accumulation in them. Unlimited sick leave accumulation. Is that the way, eventually, you want to see the State of Maine go? That is the question. How far down the road are you looking? Are you willing to vote the money to pay the bills when they start coming in? I hope that you will not vote to accept this amendment. I hope you will vote no.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Morton has, of course, hit upon a question that bothers a lot of us in here, me in particular. I don't want to vote for anything that is going to put the retirement fund in jeopardy, no matter who benefits by it. I am confused because one person will say, yes, it is in jeopardy and another person will say, no, it is not. I want to know if it is possible once and for all, if it is in jeopardy in any way shape or form?

The SPEAKER pro tem: The gentleman from Old Town, Mr. Pearson, poses a question through the Chair to any member who cares to answer.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: The fund is not in jeopardy, to the best of my knowledge it is one of the best funds we have in the United States, it is safe. The only way it can be kept safe and out of jeopardy is to keep the output of the fund in a balance with the input into it. If we keep doing these things, like putting unlimited sick leave on it, then eventually it will be. I am not saying it is going to be in jeopardy tomorrow, if we pass this bill today. What I am saying is that over the long run, eventually, if you balloon up this particular benefit, it certainly will hurt. It

also means that if you permit this benefit to go in, that there will be other ones to come along and I, for one, would try not to accept them, but every time one of these things comes along that we try to keep out, we look like villains. You may well remember that the last session, the regular session, that I had to get up and object to some of these bills that were going in and said that I was being a dirty old man again, and that is really what I looked like. All we are trying to do is protect that fund. If that is not what the legislature wants, that is okay with me, I am just trying to do my job, that is all.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I am a firm believer in keeping an agreement. I am not familiar with those that have been made in the past but if they have been made, they should be kept.

I merely wish to inject here the thoughts of an old insurance man. We are talking about sick leave. If we are going to have a certain amount of money at retirement that should be planned on ahead of time. When we are talking about sick leave, a certain amount of money deducted from your salary is to cover that liability. If by chance or good luck, you have not been sick, you don't need a sick leave. Naturally, the money you have paid in has gone to protect others who have been sick. So, the amount of money paid in for sick benefits is gone. You could not go to a commercial insurance company and buy a sick benefit policy and tell them I am going to pay you an X-number of dollars each year for a certain number of years or until my retirement, and if by good luck, I don't happen to be sick, I want my money back. You certainly are not going to have that contract because they couldn't give it to you. If you are lucky enough to remain well, the money that you have paid has gone to pay someone else who has been sick. The liability is there, the law of averages is there and this is all taken care of by actuarial means.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wallagrass, Mr. Powell.

Mr. POWELL: Mr. Speaker, Ladies and Gentlemen of the House: I have a couple of things that I might mention. Mr. Pearson asked a couple of questions. The fund does not contain money for people who are retired and who worked prior to 1942. Now, one weakness in the fund is that the legislators who are retired now, never put enough in to fund their part of this fund. Another thing, the actuary as Mr. Fraser just said, figures up how much this thing will cost and prorates it. The state employees sick leave, for instance, is in that actuarial figure. They figure that on a period of years. But remember, that is the only part not funded is the prior service and legislators pension, those people never had a chance to pay in enough to get that \$100 a month that they get.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is ironic to me that two of the people who do a lot of complaining about red herrings, namely the gentleman from Woolwich, Mr. Leonard, and the gentleman from Farmington, Mr. Morton, have dragged two of the biggest, heaviest, championship red herrings so far this term across this simple little amendment.

Now New York City has gotten a thing to do with this reduction in retirement benefit, and it is not a matter of putting this benefit in, it is in now. It was put in as part of the Committee of Conference report part of that bill, now you are talking about taking it out. The amendment that you are ready to adopt protects the agreement that was made with the firefighters and the police in the local retirement districts, it protects the agreement that was made pertain-

ing to teachers relative to accumulated sick leave and I guess all I will say at this point, after everything I have said so far is, once again, let's keep the bargain. There is another year coming, you can bring in the people who are affected by this, talk with them and make the case. Right now, a whole lot of folks out there think we made a bargain and now they are seeing the legislature going back on it.

I hope you will adopt my committee amendment.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to stand in defense of Chairman Theriault in his efforts. I have watched the pattern for a long time here and constantly he is trying to maintain a viable retirement system here in the State of Maine and constantly we are taking the easy political route to grant more and more benefits to everyone with not too much thought, in my opinion, as to where this money is coming from. I think it is about time that we started acting responsibly and support some people that in my opinion are not at all heartless, they are very concerned about people covered by these pensions, concerned to the extent that they want to keep this fund healthy. I think we had better help them a little here on this one and others that are going to be coming along and stop this foolishness of trying to drag home a few bucks for a few constituents as an easy political way to resolve these things. I think it is time that this committee deserves some support and I think the time is right now.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I think I am as conservative as the next fellow in conserving funds. I think Mr. Theriault gave you the answer, it does not affect the fund, and I am not going to crystal ball what is going to happen five years from now or ten years from now. Naturally, we want to protect that fund and I think we all had that in mind on that committee when we carefully considered this amendment. A bargain had been struck and we were trying to keep it and this is not a permanent issue and if you feel at any one time, you can reopen the negotiations on this point.

I don't like to have a word cast on my integrity as far as this fund is concerned and I assure you that I gave a very careful look into this matter and I know enough about mathematics, having taught it for several years, that we were not going to hurt the fund at this time.

The SPEAKER pro tem: The pending question before the House is on the motion of the gentleman from Augusta, Mr. Bustin, that House Amendment "B" to Committee Amendment "A" be adopted, a roll call having been ordered. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bachrach, Bennett, Berube, Blodgett, Boudreau, Bustin, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Davies, Drigotas, Farley, Faucher, Flanagan, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hinds, Hobbins, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lizotte, Mahany, Martin, R.; Mills, Miskavage, Mitchell, Mulkern, Najarian, Norris, Peakes, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Saunders, Shute, Silverman, Snow, Spencer, Stubbs, Talbot, Tierney, Truman, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

NAY — Ault, Bagley, Berry, G. W.; Berry,

P.; Birt, Bowie, Burns, Carter, Conners, Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Durgin, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Kaufman, Kelley, Laverty, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Martin, A.; Maxwell, McBreairey, McKernan, McMahon, Morin, Morton, Nadeau, Palmer, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Snowe, Sprawl, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Webber.

ABSENT — Byers, Carey, Dudley, Gauthier, Greenlaw, Hughes, Smith, Strout.  
Yes, 73; No, 69; Absent, 8.

The SPEAKER pro tem: Seventy-three having voted in the affirmative and sixty-nine in the negative, with eight being absent, the motion does prevail.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto and sent up for concurrence.

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

Joint Order Relative to Amending Joint Rule 11 (H. P. 2264)

Tabled — March 31 by Mr. Birt of E. Millinocket.

Pending — Passage.

On motion of Mr. Birt of East Millinocket, retabled pending passage and later today assigned.

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

Bill "An Act Repealing the Expungement Law and Providing for the Control of Access to and Disclosure of Criminal History Record Information" (S. P. 773) (L. D. 2326)

Tabled — March 31 by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed.

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

Mr. SPENCER: Mr. Speaker, I move that this matter be tabled unassigned.

The SPEAKER pro tem: The Chair understands that the gentleman from Standish, Mr. Spencer, withdraws his motion.

On motion of Mr. Rolde of York tabled pending passage to be engrossed and tomorrow assigned.

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

An Act Concerning the Salary of Knox County Register of Probate, Deputy Treasurer, Clerk Hire and Legal Fees of the York County Treasurer (Emergency) (H. P. 2230) (L. D. 2318) (S. "A" S-473, H "A" H-1138)

Tabled — March 31 by Mr. Rolde of York.

Pending — Passage to be Enacted.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that you take a look at this bill and I would like to make some observations about it and then you can make up your own mind, naturally.

As a result of speaking on this, it has been suggested that I don't travel too much in York County from now on, but I think you ought to look at this because this bill, I feel, or I should say a major part of this bill specifically deals with a political problem in York County which some people hope to solve by legislation of this body and the other one.

This bill was before the Committee on Local and County Government and after much discussion about how much the state legislature ought to attempt to solve local political problems, the committee unanimously decided not to adopt provisions which are in the Senate Amendment. I am sure some members of the York County delegation will explain this issue further, but let me just give you my understanding.

There is basically a dispute between a majority of the members of the county commission in York County and the treasurer in York County and there may be various and sundry reasons for that dispute, it may be political, it may be personalities, it may just be some foolishness, who knows what, but the county commissioners have not agreed or will not agree to appoint a deputy treasurer to the liking of the treasurer. All counties in this state, as I understand it, have this situation, the treasurer of all counties may appoint a deputy treasurer subject to the approval of the county commissioners. Because there is this friction between the two, the treasurer in York County can't appoint a deputy and that has put that treasurer in a bind from time to time. This bill would allow a special exception for York County only, to allow the York County treasurer to appoint a deputy. In addition, it would indicate that the York County Treasurer may decide what the deputy and his clerk will be getting.

The bill, in addition, already allots \$1,700 to pay the York County treasurer for legal fees as a result of the hassling in that area. That, I think, is much further than we ought to go and I just don't think that the place to solve local political disputes is in this body. If the voters of York County made a mistake in either electing the treasurer or the current county commissioner, that is their problem and within the next election they will solve that problem through the political process. I just don't think we ought to be doing it here.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: Another chapter in the York County problems again. First of all, if you read the Senate Amendment, it says, "notwithstanding any other provision of law until January 1, 1977." This merely takes care of the problem we have. We have an election for another commissioner coming up. I have talked to both of the candidates running, one is a Republican candidate and the other a Democratic candidate, I assure you that this problem is not going to appear again.

To refute some of the statements that Mr. Henderson from Bangor made, first of all, the money that is being asked for the two clerks was already passed by this legislature, the other body and signed by the Governor. The lady in question has been a county employee for Republican treasurers and Democratic treasurers for 19 years.

The commissioners, two of them, will not sign a warrant for any more than \$88 a week. The legal fees are only because the county treasurer had to hire legal help. The county commissioners used the district attorney's office for their counseling. The preliminary judgment was in favor of a county treasurer. There is now an appeal. If we don't have this, it is going to cost York County \$2,500 more.

Time and time again, on more than one issue these two commissioners have refused to fund Camp Waban, refused counseling service, extension service, Saco Valley School for the Retarded, they have refused, even though we here and the other body, signed by the Governor, said that we wanted these funds directed to these agencies, they have refused to spend them.

As I said, this bill before you expires January 1, 1977 and hopefully everything in York County

will be smooth again and I would ask that you support the bill. It is a real problem that we could solve this morning. I am hoping that you will all support the bill.

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

Mr. BURNS: Mr. Speaker, a parliamentary inquiry. I am going through my engrossed copies and I fail to find 2318 and we have been told that we will not take action to enact it until it is engrossed. I will vote against it if I don't have a copy.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: In light of what the gentleman from Anson, Mr. Burns, said, could a Page find a copy of the engrossed enactor so that we might have his vote on this matter?

While I am on my feet, I would like to make several points in regard to the propriety of having this bill before us. I would point out that counties are creatures of the legislature. Under the law, we do have the last say in all matters of county activities, even now to line item budgeting. I would also point out that in 14 of the 16 counties in the state, treasurers do have deputies.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to remind Mr. Rolde that they are appointed by the commissioners.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Burns posed a very good question on why he can't vote for this unless he sees the engrossed copies. It is not only the question of wanting engrossed copies. I think there are probably other members of the legislature who would like to see them too. They have been laying around for several days. I have seen the engrossed copy and I understand that there are enough of them to be distributed, so I would hope instead of waiting for just one, that maybe someone could table it until later in today's session until we all get a copy.

On motion of Mr. Rolde of York, tabled pending passage to be enacted and later today assigned.

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

An Act to Protect Owners and Bona Fide Purchasers of Real Property from Unrecorded Mechanics' Liens and to Protect Them from Double Payment to Contractors and Subcontractors (H. P. 2126) (L. D. 2274) (C "A" H-1114)

Tabled — March 31 by Mr. Palmer of Nobleboro.

Pending — Passage to be Enacted (A Roll Call Ordered)

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

Mr. LEONARD: Mr. Speaker, I would like to ask or request that someone from the committee explain the basic differences of this bill and the existing law on mechanics liens.

The SPEAKER pro tem: The gentleman from Woolwich, Mr. Leonard, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Wallagrass, Mr. Powell.

Mr. POWELL: Mr. Speaker, Ladies and Gentlemen of the House: I am not a member of the committee but I appeared before the com-

mittee and testified on this bill. This is a very fine bill, it is the result of a study that was done by the committee and the result is that you have a little difference in the lien law so that the person who wants to put on a lien will warn the receiver of the materials beforehand so the consumer has some protection.

What I wanted to say on this, and so testified before the committee, was that I was a victim of the lien law once and I would like to explain how it happened. In 1965 a contractor came to me and tried to sell me a job of covering my house with aluminum, so I thought I would investigate the contractor and I did and my bank said this contractor was okay and he would fulfill his job, but I changed my mind and didn't cover my house that year.

In 1966, the same company from Caribou, Maine came to me and offered me a deal to cover my house. This one I did not investigate. It had the same company name, etc., so I signed a contract to cover the house. In the month of May, the whole job was finished and apparently I made the mistake of paying the bill completely. Within a month after that time, a lien was placed on the house and it did not come from that contractor, it came from Applicator Sales of South Portland, Maine, a company I had never heard of, being just an ordinary consumer up in Soldier Pond, Maine.

I called a lawyer to see what was happening in this case and he said, that is the old mechanics lien and if the contractor does not pay the supplier, the supplier can hop over the contractor and put a lien on your house, and in that 30 days the contractor had gone bankrupt, so it looked to me as though I was going to have to pay the bill all over again. I checked with my lawyer and in my case I found I had a chance to get this lien lifted, the only reason being that the house was in my wife's name and I had made the contract.

The poor consumer who has a house in his own name has been a victim many, many times over, as I am sure Mrs. Miskavage can tell you and the members of the committee, and all she is asking here is that notice be given to the person having the contract work done that the contractor give a notice that a lien might be placed on the house. They also extend the lien period for filing from 60 days, if I am correct, to 120 days.

I had to spend money for a lawyer, my wife and I spent the whole day in Aroostook County Superior Court, even with the situation I painted for you, to get this lien lifted off the house. If the house had not been in my wife's name, it would never have gone through at all, and we had a jury, thank God for the jury system. That is why I voted for juries all along, even when some of my friends here wanted shorter and smaller juries. I thought I would give you this information to help you make up your minds on this case.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Augusta, Mrs. Miskavage.

Mrs. MISKAVAGE: Mr. Speaker, Ladies and Gentlemen of the House: Maybe I can fill you in a little better on the background. L. D. 2274 is the result of the order passed in the closing days of the regular session authorizing the Judiciary Committee to study the mechanics' lien law to determine methods for better protecting the unsuspecting homeowner from the situation which may occur under the present law whereby he could have to pay twice for materials and labor involved in the construction or remodeling of his home.

First of all, let me give you a little background on this law. The mechanics' lien law is the foundation on which the construction industry is based. Every state in the Union has some form of mechanics lien law to protect contractors and suppliers of materials, labor or

services from the improvident homeowner who orders a two-car garage when he can only afford a toolshed.

The basic premise behind the mechanics' lien is that if a person gives labor and materials to improve someone else's property, that labor or those materials lose the value they once had for the supplier and improve the value the property to which they have been transferred. Liens against this property can compel the owner to either pay for the improvements or lose the improved property in a sale to raise money to recover the amount due the mechanics or materials supplier.

Nothing in L.D. 2274 tampers with this protection for contractors or suppliers of materials or services. The construction industry is a very important industry in the state of Maine and members of the committee who worked on this amendment were able to accomplish their goal of alerting the general public to certain provisions within this law which could result in them having to pay twice while, at the same time, leaving intact the provisions within the law which were the reasons for its being in the first place.

The first portion of the amendment addresses itself to the bona fide purchaser, which is another unhappy situation which can occur under the law under its present form. Let me give you an example. A homeowner decides to sell his property, he thinks it might sell better if it is made a little more attractive so he orders some landscaping done. The work is completed, he sells the house without paying the company who did the work and supplied the materials. The new owner takes possession. Shortly thereafter, a representative from the landscaping company stops by the house and he says, I have a few last minute details to take care of, he snips a few shrubs and turns over a few shovels full of earth and then uses that as the last date of his completion of the work. He has 90 days after that to file a lien so that the new owner of the property has to pay a bill that somebody else incurred.

Under this amendment, in paragraph 2, Page 1 Bona fide Purchaser, it says that if somebody feels that they have a lien against a property, they have to file intention of claiming that lien in the Registry of Deeds before the final papers are signed. That is all they have to do, just file notice of intent so that when a lawyer researches that title, finds it clear, a new person takes possession, he knows whether or not there are going to be any liens filed against that property and can protect himself. I call this the "fair warning amendment" to the lien law.

The last paragraph is the one which says that the supplier of labor, materials or services, who do not have a direct contract with the owner, warn him of the fact that he is subject to the penalties of the lien law. If you look at the bill, you will see that there is a very simple form, it simply says, your failure to assure that — put in the name of the claimant — is paid before further payment by you through the contractor, may result in your paying twice. This is simply fair warning. The whole lien law, as it stands now, simply is not fair.

While we were drafting this bill, we sort of reversed the usual process. We did not offer an amendment, then have a public hearing and amended it after that. We were in direct contact and complete communication with the agents of all the special companies that are concerned. Every amendment that we drafted, we presented to the contractors, to the suppliers and to the lending institutions with the firm understanding that if a final amendment did not meet with their approval, they could appear against it.

I understand that some contractors are a little disturbed about it, but most of the suppliers

feel that this is a conservative, reasonable amendment that they can live with, and in the long run, if they furnish this advance notice, it might be less expensive to them than if they had to hire an attorney to complete expensive litigation.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I have to apologize to the members of the committee, as well as to the rest of the members of the House, in that I have looked at the amendment as it is before us fully thinking primarily because of my commitment to members of the committee who worked very hard on this that I would not actively fight the committee, or majority report.

In the committee, when this amendment came before us, there was a section that said that the banks would have to be given actual notice before a lien claim would apply to them. It was agreed by the committee that that portion would be stricken. I find at this moment, and locked in as I am, I couldn't talk personally with the members of the committee, I did send a note to the chairman, acting chairman, and I think he agrees with me that it is in this bill when, in fact, the committee did not, of its own, decide that it should be there. For that reason, I am hoping somebody will do something with this bill before I take it on to try to kill it.

On motion of Mr. Spencer of Standish, tabled pending passage to be enacted and later today assigned.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair thanks the gentleman from Stonington, Mr. Greenlaw, for acting as Speaker pro tem.

Thereupon, Mr. Greenlaw of Stonington returned to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

The following Enactor appearing on Supplement No. 2 was taken out of order by unanimous consent:

Resolve, for Revising the Amounts of County Taxes for the Year Nineteen Hundred and Seventy-six (H. P. 2053) (L. D. 2230) (C. "A" H-1124) as amended by H. "A" H-1176)

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 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

On request of Mr. Rolde of York, 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.

(Off Record Remarks)

On motion of Mr. Morton of Farmington,

Recessed until three o'clock in the afternoon.

After Recess  
3:00 P.M.

The House was called to order by the Speaker.

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

From the Senate: The following Communication:

The Senate of Maine  
Augusta, Maine

March 31, 1976

Honorable Edwin H. Pert  
Clerk of the House  
107th Legislature  
First Special Session  
Augusta, Maine 04333  
Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it accepted the Majority Ought Not to Pass Report on Bill, "An Act to Prevent Impoundment of Funds" (H. P. 1985) (L. D. 2173).

The Senate also voted to Adhere to its action whereby it Indefinitely Postponed, Bill, "An Act to Implement a Central Licensing Division within the Department of Business Regulation" (H. P. 2153) (L. D. 2294).

(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

Ought to Pass with  
Committee Amendment  
Amended in Senate  
Later Today Assigned

Committee on Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-480) on Bill "An Act to Clarify Certain Provisions in the Education Laws" (Emergency) (S. P. 651) (L. D. 2056)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-480) as amended by Senate Amendment "A" (S-500), thereto, and Senate Amendment "B" (S-502)

In the House, the report was read.

On motion of Mr. Lynch of Livermore Falls, tabled pending acceptance of the Committee Report in concurrence and later today assigned.

Non-Concurrent Matters  
Later Today Assigned

Bill "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316) which was Passed to be Engrossed as Amended by House Amendments "A" (H-1034), "B" (H-1044), "E" (H-1110), "F" (H-1137) and "G" (H-1146) in the House on March 31, 1976.

Comes from the Senate, Passed to be Engrossed as Amended by House Amendments "B," "E," "F," and "G" in non-concurrence.

In the House.

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

Mr. CAREY: Mr. Speaker, there is still one amendment that is necessary. I just got it out of Research and I would ask that it be tabled until later so we can get it reproduced.

Thereupon, on motion of Mr. Rolde of York, tabled pending further consideration and later today assigned.

Bill "An Act to Establish a Maine Community Jobs Act" (H. P. 2165) (L. D. 2293) which was passed to be engrossed as amended by House Amendment "A" (H-1126) in the House on March 30, 1976.

Came from the Senate, passed to be engrossed as amended by House Amendment "A" as

Amended by Senate Amendment "A" (S-506) thereto in non-concurrence.

In the House: On motion of Mr. Connolly, the House voted to recede and concur.

Bill "An Act to Give Counties Power to Assess and Collect Their Own Taxes" (H. P. 2128) (L. D. 2275) which the Bill and accompanying papers were Indefinitely Postponed in the House on March 30, 1976.

Come from the Senate, the New Draft under New Title Bill "An Act to Allow County Budget Determination at the County Level" (H. P. 2263) (L. D. 2335) passed to be engrossed as amended by Senate Amendments "A" (S-503) and "B" (S-504) in non-concurrence.

In the House:

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

Mr. DAM: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, moves that the House recede and concur.

The gentleman may proceed.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The other day when we had this bill, there were objections raised to some of the parts of the bill. First off, on Page 3, that is what I referred to as the laundry list. This Senate Amendment, S-503, has taken this out. This eliminates the laundry list. It also spells out very clearly exactly what they can do and, again, only that which the law allows them to do now. That has been put onto the bill.

Going to Page 4, there was a change made with Senate Amendment S-505, and that was just a word change in Section 2, putting the word 'or' in. Also on Page 5, in Senate Amendment 504, it added new language to the last of the section where it says "county commissioners of all counties may borrow in anticipation of taxes," and it added the language "with the approval of the county finance board."

Going down into the next section on the election of the county finance board, Senate Amendment 504 takes care of that and sets up the exact way that this would be handled.

Senate Amendment 505, the Statement of Fact is very clear and it does just that. As it says, this amendment deletes the redundant and conflicting provision in the bill. Section 253-A, 1f2 of the bill, allows expenditures for operation authorized by law. Section 253-A, Subsection 2, limits those expenditures to those purposes where money was appropriated in the previous fiscal year, unless the voters approve an expenditure for those purposes by referendum.

The last phase of Section 253-A, Subsection 2, along with Section 253, Subsection 3, effectively negates the limitations because many of the operational powers both enumerated and not enumerated in the bill are found in other statutes now.

Not debating this any longer, but hoping that you would go along with the other body and accept the bill, so that if there were any other changes, amendments they could be offered to make those changes. I think this is a good attempt by the Joint Select Committee to come up with something to change the form of county government, which we all know needs a change.

I realize there would be other amendments coming, maybe, after setting up the districts or the finance board, or maybe amendments even to create a larger board of county commissioners and eliminating the finance board, but that can be done through amendments. But this is a chance for a general reforming of county government and then in the next legislature there would be other areas addressed where there would be reforms necessary to streamline county government as to the individual needs of each county and not make it uniform for all ser-

vinces where those services are not required in the other counties. So I would hope that today you would go along with the recede and concur motion so that this could be amended and hopefully get it into some form, and regardless of whether it came up for final enactment, passed final enactment, it would allow this body to have input on this because this business of reform of county government is a never ending thing that always surfaces in every legislature, and if the feeling of this body could be had on this bill, as I say, whether it passes or not, at least it would give something to the next session to know what the feeling was as far as county government was concerned.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: This is pretty slick right here. You have really got something. You look at Senate Amendments 503 and 504 and then you look at the original bill. All they did was take it out of the white sheets and put it on the yellow. This says the same identical thing. I say that is smooth.

It says on this S-503, the county may raise and appropriate money for the purposes of operating county government, performing any duties required of it by law and providing for any operations expressly authorized by state statute which by their nature required the expenditures of money. That is just exactly as it is in the original bill.

Then you swing over to S-504. Here is the one. I want you to know that Mr. Dam has surely given us a good one today. He is an excellent speaker and I like him, he is on my Taxation Committee, but he doesn't act that way in Taxation. I don't know why. He says that we will have the board. The members of the board shall be elected at the biennial meetings of the voters for the election of Senators and Representatives, which is perfectly all right, and established by the Constitution of Maine, Article II, Section 4, for a two-year term, which is perfectly all right, in the same manner as are the town officials when such persons are nominated by nomination papers and elected by the secret ballot. The only thing they have done here is amend the bill where they had to amend it to get the time of election. This bill hasn't changed, don't let them fool you. This bill hasn't changed one bit and I can prove it to you. Every page is the same.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bacrach, Berry, G. W.; Berube, Burns, Call, Carpenter, Chonko, Connors, Cote, Curran, R.; Curtis, Dam, Doak, Durgin, Dyer, Farley, Faucher, Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Higgins, Immonen, Ingegneri, Jackson, Jalbert, Kelley, Laffin, Littlefield, Lovell, Lunt, Mackel, Martin, A.; Maxwell, McBairty, McKernan,

Morton, Pearson, Perkins, T.; Peterson, P.; Rollins, Saunders, Snow, Snowe, Susi, Tarr, Theriault, Tozier, Truman, Walker, Webber.

NAY — Albert, Bagley, Bennett, Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Bustin, Byers, Carey, Carroll, Carter, Churchill, Clark, Connolly, Cooney, Cox, Davies, DeVane, Drigotas, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Hall, Hennessey, Hewes, Hobbins, Hughes, Hunter, Hutchings, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lynch, MacEachern, MacLeod, Martin, R.; McMahon, Mills, Miskavage, Mitchell, Morin, Mulhern, Nadeau, Najarian, Peakes, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Quinn, Raymond, Rideout, Rolde, Shute, Silverman, Spencer, Sprowl, Strout, Stubbs, Talbot, Tierney, Torrey, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

ABSENT — Curran, P.; Dow, Dudley, Gauthier, Hinds, Jacques, Mahany, Norris, Palmer, Powell, Smith, Teague.

Yes, 53; No, 86; Absent, 12.

The SPEAKER: Fifty-three having voted in the affirmative and eighty-six in the negative, with twelve being absent, the motion does not prevail.

Thereupon, on motion of Mr. Finemore of Bridgewater, the House voted to adhere.

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

Mr. KELLEHER: Mr. Speaker, I move we reconsider our action whereby we voted to adhere and hope you all vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that we reconsider our action whereby we voted to adhere. All in favor will say yea; those opposed will say nay.

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

#### Messages and Documents

The following Communication: (H. P. 2273)  
State of Maine

One Hundred and Seventh Legislature  
Committee on Energy

March 26, 1976

Senator Jerrold B. Speers, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333  
Dear Senator Speers,

In accordance with House Paper 1716, directing the Committee on Energy "to determine the number of unused and abandoned hydroelectric dams in this State, to determine the potential in Maine for the production of electrical energy by hydroelectric means, and to determine methods for the restoration of Maine's unused and abandoned dams to full production of electric power," we enclose herein the final report of the Committee.

Respectfully submitted,

(Signed)

JOHN B. ROBERTS  
Co-Chairman, Energy Committee

(Signed)

ROBERT M. FARLEY  
Co-Chairman, Energy Committee

The Communication was read and ordered placed on file.

#### Enactor

Tabled and Assigned

An Act Clarifying the Use of the Mental Health Improvement Fund (H. P. 2068) (L. D. 2238) (C. "A" H-1024, H. "A" H-1142)

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

On motion of Mr. Goodwin of South Berwick, tabled pending passage to be enacted and tomorrow assigned.

#### Passed to Be Enacted

An Act to Make Health Care Projects Eligible for Bonding under the Maine Municipal Securities Approval Act (H. P. 1899) (L. D. 2079) (C. "A" H-1128)

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

An Act to Improve Solid Waste Management (H. P. 2090) (L. D. 2249) (S. "C" S-489, S. "B" S-486 as Amended by S. "A" S-490 and S. "B" S-491, thereto)

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: On March 30, I posed an inquiry to the Chair as to whether Joint Rule 28 was applicable to this bill and whether the bill violated the provisions of that rule.

The Chair ruled, and I quote "At this point in time in the process, it is in the amending process of a bill which in fact ends up in the same posture perhaps, and the Chair is not in a position to rule on that motion. Besides that, the Chair would rule that Joint Rule 28 does not apply in this instance at this point in time."

Mr. Speaker, I have reviewed L. D. 1888, An Act to Require Returnable Beverage Containers, which was finally rejected by this legislature at the regular session. I have also reviewed L. D. 2249, An Act to Improve Solid Waste Management, as it has been engrossed for passage to be enacted.

I would call the Chair's attention to Section 16 of L. D. 2249 and L. D. 1888. The provisions of Section 16 of L. D. 2249 are essentially identical to L. D. 1888. Section 1862 of L. D. 2249, with the exception of minor modifications in the definition of dealer, manufacturer, premise and the addition of the definition of operator of vending machines is identical to L. D. 1888. Section 1863 of L. D. 2249 has the same substantive meaning as the refund value provision contained in L. D. 1888. The provisions of Section 1865 of L. D. 2249 are identical to L. D. 1888. The provisions relating to distributors acceptance in Section 1865 are identical and the other provisions of Section 1865 are essentially the same, with the exception of the dealer acceptance provision. The provisions relating to redemption centers are identical except for the addition of a sentence relating to posted lists. The provisions relating to penalties are identical. Therefore, Mr. Speaker, I now inquire as to whether L. D. 2249 as engrossed is before this body in violation of Joint Rule 28?

The SPEAKER: The Chair would rule that Joint Rule 28 specifically says, no measure which has been introduced and finally rejected shall be introduced at any special session of the same legislature, except by a vote of two-thirds of both Houses. At this point in time, the matter of introduction is not a question. Therefore, the Chair would rule that the matter in fact is before this body.

The Chair recognizes the gentleman from Mapleton, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I move that this bill and all accompanying papers be indefinitely postponed.

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

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

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

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: When this bill first came out, as I stated, it did nothing. Then it was changed so that it does allow that the dealer could charge, but he didn't have to give it back.

Presently there is a section in this bill that allows people with vending machines to charge you, but they don't have to give it back. So I still think there is a real question as to whether this bill is right or not.

The SPEAKER: The pending question is on the motion of the gentleman from Mapleton, Mr. Rideout, that this Bill and all accompanying papers be indefinitely postponed in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Berube, Boudreau, Call, Carter, Cote, Curran, R.; Curtis, Drigotas, Durgin, Dyer, Farley, Faucher, Finemore, Fraser, Immonen, Jalbert, Kauffman, Kelleher, Laffin, Lewis, Lizotte, Lunt, Maxwell, McBreairty, Morin, Norris, Peterson, P.; Raymond, Rideout, Talbot, Tarr, Truman, Twitchell, Walker, Webber.

NAY — Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cox, Curran, P.; Dam, Davies, DeVane, Doak, Farnham, Fenlason, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lovell, Lynch, MacEachern, Mackel, MacLeod, Martin, A.; Martin, R.; McKernan, McMahon, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Quinn, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Theriault, Tierney, Torrey, Tozier, Tyndale, Usher, Wagner, Wilfong, Winship.

ABSENT — Dow, Dudley, Gauthier, Hinds, Jacques, Mahany, Mills, Palmer, Powell, Smith, Teague.

Yes, 36; No, 103; Absent, 11.

The SPEAKER: Thirty-six having voted in the affirmative and one hundred and three in the negative, with eleven being absent, the motion does not prevail.

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

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

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

The SPEAKER: The gentleman from Bangor, Mr. McKernan, moves that the House reconsider its action whereby this Bill was passed to be enacted. All in favor of reconsideration will say aye; those opposed will say nay.

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

An Act to Set the Unemployment Insurance Contribution Rate for New Employers at the Average Contribution Rate for All Employers in the Previous Year (H. P. 2144) (L. D. 2284) (C. "A" H-1010)

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

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Bill "An Act to Establish Uniform Standards for the Measurement of Wood" (Emergency) (H. P. 2277) (Presented by Mr. Mahany of Easton) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order, S. P. 635, as amended)

Was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

From the Senate:

The following Communication:  
The Senate of Maine  
Augusta, Maine

April 1, 1976

Honorable Edwin H. Pert  
Clerk of the House  
107th Legislature  
First Special Session  
Augusta, Maine 04333  
Dear Mr. Pert:

The President appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Relating to Costs in Contested Cases and Depositions in Probate Court" (S. P. 709) (L. D. 2236):

COLLINS of Knox  
CLIFFORD of Androscoggin  
MERRILL of Cumberland

The President appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems" (H. P. 2206) (L. D. 2306):

BERRY of Cumberland  
TROTZKY of Penobscot  
CARBONNEAU of Androscoggin

The President appointed the following members of the Senate to the Committee of Conference 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):

CURTIS of Penobscot  
KATZ of Kennebec  
GRAHAM of Cumberland

The President appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Relating to the Geologists and Soil Scientists Certification Act" (H. P. 2240) (L. D. 2322):

BERRY of Cumberland  
CYR of Aroostook  
O'LEARY of Oxford

The President appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Regulate Drinking Water" (S. P. 687) (L. D. 2198):

CUMMINGS of Penobscot  
GREELEY of Waldo  
CYR of Aroostook

The President appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites" (H. P. 1948) (L. D. 2134):

WYMAN of Washington  
GRAHAM of Cumberland  
CORSON of Somerset

(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate.

The Communication was read and ordered placed on file.

From the Senate: The following Communication:

The Senate of Maine  
Augusta, Maine

April 1, 1976

Honorable Edwin H. Pert  
Clerk of the House  
107th Legislature  
First Special Session  
Augusta, Maine 04333  
Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed 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).

Respectfully,

(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Joint Order: (S. P. 784)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Lytle Annie Wood of Morrill Recognized by the Maine Extension Association as the Outstanding Community Leader for 1976

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

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

Came from the Senate read and passed.

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

From the Senate: The following Joint Order: (S. P. 785)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Elizabeth Bailey Keller of Knox Recognized by the Maine Extension Association as the Outstanding Homemaker for 1976

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

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

Came from the Senate read and passed.

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

From the Senate: The following Joint Resolution: (S. P. 786)

#### IN MEMORIAM

Having Learned of the Death of Clarence A. Paul of Belfast Who Served Thirty-six Years as County Commissioner and was an Outstanding Citizen

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

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



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

#### Reports of Committees Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act to Provide for an Associate Administrative Court Judge and to Revise the Administrative Court Law" (S. P. 734) (L. D. 2283) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide for the Position of Associate Administrative Court Judge and to Revise the Administrative Court Law" (S. P. 783) (L. D. 2338) Came from the Senate, with the Report read and accepted and Under suspension of the rules, the New Draft read twice and passed to be engrossed.

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was read the second time.

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

Mrs. BERRY: Mr. Speaker, is there any chance of somebody telling us just what this bill does?

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this bill is to authorize the appointment of an associate administrative court judge because the present administrative court judge is unable to carry on all of the responsibilities which we have thrust on him and the effective date of this has been postponed so that there is no appropriation required in this year.

The bill also makes some changes in the law relating to fines in liquor cases, and it is expected that the income from fines may offset any additional cost to the administrative courts.

Thereupon, the Bill was passed to be engrossed in concurrence.

#### Non-Concurrent Matter

Bill "An Act Providing for Evaluations of Mentally Retarded Persons Residing in Community Residential Facilities" (H. P. 2069) (L. D. 2239) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-1118) in the House on March 30, 1976.

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" (S-499) in non-concurrence.

In the House: The House voted to recede and concur.

#### Orders

Mr. Bennett of Caribou presented the following Joint Resolution and moved its adoption: (H. P. 2275)

#### In Memoriam

Having Learned Of The Death Of State Trooper Detective George Frederick Watson Of Caribou Who Served Fourteen Years With The Maine State Police

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

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Regarding the Rights of Students at the University of Maine in the University Bargaining Process" (H. P. 1966) (L. D. 2155) which was tabled earlier in the day and later today assigned pending the motion, shall this Bill become law notwithstanding the objections of the Governor.

On motion of Mr. Tierney of Durham, retabled pending consideration and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Provide for a Line Budget Procedure for All School Systems" (H. P. 2208) (L. D. 2308) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "B".

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

Mr. MORTON: Mr. Speaker, the amendment that I had for this was promised to me in thirty minutes forty minutes ago and it still isn't here, so I wish someone would table until later in today's session.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending adoption of Committee Amendment "A" and later today assigned.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Laws Relating to Marine Resources" (H. P. 2010) (L. D. 2192) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A".

Mr. Greenlaw of Stonington offered House Amendment "A" to House Amendment "A" and moved its adoption.

House Amendment "A" to House Amendment "A" (H-1179) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: All this does is take out the word 'release' and replace in its place 'discard or abandon.' It is just merely a language change.

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

House Amendment "A" as amended by House Amendment "A" thereto was adopted.

Mr. Greenlaw of Stonington offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1182) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Just as a courtesy or brief explanation, you recall that during the debate on the gubernatorial veto of the green crab bill, so to speak, I indicated that I would strike the word 'annually' from the funding provision which obligated \$25,000 annually and change it to the 'calendar year 1976' so that we would have funding from the shellfish fund for one year and the next legislature could evaluate that program, and this is the amendment that does that. I now move its adoption.

Thereupon, House Amendment "B" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto and House Amendment "B" in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning Shellfish Licensing" (H. P. 2131) (L. D. 2277) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

Mr. Higgins of Scarborough offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1178) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker and Members of the House: Very simply, all this does, although it is a long rewrite, that is all it is, a rewrite of the same section in the Committee Amendment. The only thing I have changed is that once rules and regulations are adopted, they will be published in two newspapers, etc., etc., the same as the notice of public hearing. It is just as simple as that. Once the rules and regulations are adopted, they will then be published in the newspaper.

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

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

Mr. GREENLAW: Mr. Speaker, I apologize, there is one more amendment that is forthcoming and if we could table it until later in today's session, I think we can dispose of the matter today.

Thereupon, on motion of Mr. Rolde of York, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto and later today assigned.

The Chair laid before the House the following matter:

Joint Order Relative to Amendment to Joint Rule 11 (H. P. 2264) which was tabled earlier in the day and later today assigned pending passage.

On motion of Mr. Birt of East Millinocket, retabled pending passage and tomorrow assigned.

The Chair laid before the House the following matter:

An Act Concerning the Salary of Knox County Register of Probate, Deputy Treasurer, Clerk Hire and Legal Fees of the York County Treasurer (Emergency) (H. P. 2230) (L. D. 2318) (S. "A" S-473 and H. "A" H-1138) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I just wanted to remind you that this is what I would call the York County Bill that we tabled earlier because we did not have the engrossed version, and I would indicate again that I feel this is attempting to solve a political dispute through legislative means and that it might be setting an interesting precedent for any other political disputes we have in other counties. It may be the case that people will be coming down asking for further special legislation.

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

Mrs. BACHRACH: Mr. Speaker, I would just like to ask, how come a bill described as a salary of the Knox County Register of Probate could be the York County Bill?

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

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

Mr. DAM: Mr. Speaker, if I understood the good lady's question, I think the question was, how come Knox County got tied into York County? I am sure you are aware, Mrs. Bachrach, that everyone has to have a vehicle before something can come before the body, so in order to correct an inconsistency or problem in Knox County because of a resignation of an officer, we added Knox County to the original bill for York County so we could get it before the House.

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

Mrs. MARTIN: Mr. Speaker and Members of the House: It was a way of putting the York thing in here so that it would get by your eyes. That is what I am talking to you about.

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

A vote of the House was taken.

Whereupon, Mr. Nadeau of Sanford 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: This being an emergency measure, it requires a two thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Burns, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Drigotas, Durgin, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Hall, Hennessey, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship; The Speaker.

NAY — Bachrach, Berube, Byers, Dyer, Gauthier, Henderson, Hewes, Higgins, Martin, A.; Perkins, S.; Raymond.

ABSENT — Ault, Bowie, Bustin, Dow, Dudley, Farnham, Greenlaw, Hinds, Jacques, Laffin, Littlefield, Palmer, Powell, Smith, Teague.

Yes, 125; No, 11; Absent, 15.

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

Signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

An Act to Protect Owners and Bona Fide

Purchasers of Real Property from Unrecorded Mechanics' Liens and to Protect Them from Double Payment to Contractors and Subcontractors (H. P. 2126) (L. D. 2274) (C. "A" H-1114) which was tabled earlier in the day and later today assigned pending passage to be enacted (A roll call ordered).

On motion of Mr. Spencer of Standish, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1181) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

The Chair laid before the House the following matter:

Bill "An Act to Clarify Certain Provisions in the Education Laws" (S. P. 651) (L. D. 2056) which was tabled earlier in the day and later today assigned, pending acceptance of the Committee Report in concurrence.

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

Mr. LYNCH: Mr. Speaker, I believe there are some amendments to be presented to this.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-480) was read by the Clerk.

Mr. Greenlaw of Stonington offered House Amendment "E" to Committee Amendment "A" and moved its adoption.

House Amendment "E" to Committee Amendment "A" (H-1180) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Many of you may recall that last year we placed a maximum increase on the tuition rate that a receiving school could charge a sending school. About two weeks ago, or perhaps about a month ago, I discovered that that maximum tuition rate increase only applied to secondary schools.

If you will notice on pages 4 and 5 of Committee Amendment "A", there is a change in the education laws concerning secondary education. I wanted to include an amendment that addressed that same type of limitation to elementary school tuition, and the Department of Education suggested that I amend the elementary school tuition section, which is Section 912 of Title 20. I want to very briefly explain what this amendment does.

The tuition rate would be computed as follows. You would take the operating cost of a school unit without deducting any tuition receipts and divide it by the average daily membership. That would give you the operating costs for the purposes of setting your tuition rate. The tuition rate would then be either that rate as computed or the tuition rate from the immediately preceding school years plus 6 percent, whichever is less.

The reason I offer this amendment is very simply that there is nothing in the statutes that prohibits a receiving unit from increasing the tuition as much as they want to. I am personally aware in my legislative district of a receiving unit that has contemplated increasing the tuition rate from last year to this year by 30 percent. I have

talked this whole issue through with a member of the legislative staff, with the House Chairman of the Education Committee and with the gentlewoman from Vassalboro, and I believe it is a fair mechanism for all involved. I don't think that it adversely affects the sending unit or the receiving unit, but I do think it provides the same type of guidelines for tuition rates for elementary students as we presently have for secondary students.

I would hope that we could adopt this amendment this afternoon.

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

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

Mrs. KANY: Mr. Speaker, I just handed an amendment to the Clerk of the House and it has not yet been printed.

Thereupon, on motion of Mr. Rolde of York, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "E" thereto and later today assigned.

The Chair laid before the House the following matter:

Bill "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Carey of Waterville, the House voted to recede from passage to be engrossed.

Mr. Carey of Waterville offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-1186) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker, before I even mention this amendment, I would point out that the Clerk's staff is doing an extremely good job in trying to keep up with the rush during this particular time. Many times we have said that amendments are not ready and I would like the record to indicate that it certainly is not the Clerk's office that is holding up those amendments.

This amendment is one that is being presented, was one that was originally tied to the bill. It was the one that we awaited corporate counsel for the University of Maine to bring forward. We could no longer hold the bill at that time, so we felt that we would present it as an amendment while the bill was in process, and it simply says that those subcommittees of the university and the Maine Maritime Association, the trustees, while they are working as subcommittees and they don't have the full power to act for the board as a whole would be able to retain their papers as we do here in the legislature from being public records.

Thereupon, Mr. Henderson of Bangor requested a vote on the adoption of House Amendment "H".

The SPEAKER: The pending question is on the adoption of House Amendment "H". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 8 having voted in the negative, House Amendment "H" was adopted.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A", "B", "E", "F", "G", and "H", in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Provide for a Line Budget Procedure for all School Systems" (H. P. 2208) (L. D. 2308) which was tabled earlier today and later today assigned, pending adoption of Committee Amendment "B".

Mr. Morton of Farmington offered House

Amendment "A" to Committee Amendment "B" and moved its adoption.

House Amendment "A" to Committee Amendment "B" (H-1184) was read by the Clerk.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: While I had some reservations about this bill in its original form, I am in full support as it has been amended by the committee. However, I do see one flaw which, while unlikely to come into play frequently, in some rare instances it could be fatal. That is in the present law, as far as I can research it, there is no mechanism to provide injured citizens or the school board an opportunity to ask for a rerun on any particular item if a disaster were perpetrated at a meeting. Therefore, I have drafted this amendment which makes for the opportunity for that to be done within 30 days of the regular meeting, to have a special meeting, and I would call your attention particularly to item number five which points out the proceeds of this meeting would be invalid if the actions of the meeting shall be invalid if the recorded vote is less than the vote recorded at the regular budget meeting on the appropriation articles.

In other words, what I am attempting to do here is provide the mechanism for a second look at a certain item which might be considered a disastrous action of the regular meeting but that may not be done in the way that many special meetings of towns are where you get just a handful of voters. This one will require that at least as many people who were there at the regular meeting will be there to vote at the special meeting.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I urge your support of this amendment because it is vitally needed if we are going to give local control and they make a mistake at their regular budget meeting, they ought to have an opportunity to rectify the mistake. I believe not too long ago Thorndike got into trouble and had to live for one year with the problems that were created at the regular budget meeting.

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

Mr. McMHAON: Mr. Speaker, Ladies and Gentlemen of the House: I think this is an excellent amendment. It provides a safeguard against hasty action that might be taken at an original budget meeting and yet it provides an attendance requirement that would not let a minority undo perhaps what a majority did. I think this is a definite improvement in this bill and in the law generally and I hope you support it.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to urge your support of this amendment because I think Mr. Morton has done a fine job in really putting this bill into the proper form that it should be in. I feel that this amendment will do a lot to insure the smooth movement of this bill along its way to becoming law so that the people will have local control.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: Me, too.

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

Committee Amendment "B" as amended by House Amendment "A" thereto was adopted.

Under suspension of the rules, the Bill read the second time, passed to be engrossed as amended by Committee Amendment "B" as

amended by House Amendment "A" thereto and sent up for concurrence.

The Chair laid before the House the following matter:

Bill, "An Act Concerning Shellfish Licensing" (H. P. 2131) (L. D. 2277) which was tabled earlier in the day and later today assigned, pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto.

Mr. Greenlaw of Stonington offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-1185) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: This amendment corrects some minor problems we have had with the bill. I would appreciate very much the indulgence of the House in this matter. I would ask if perhaps we could adopt the amendment to the Committee Amendment, put the bill in position of passage to be engrossed and then we can debate the merits of the entire bill.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: If I may ask a question through the Chair to Mr. Greenlaw, will this eliminate the requirement that the small stores had a license in order to sell TV dinners that contained fish, etc.?

The SPEAKER: The gentleman from Anson, Mr. Burns, poses a question through the Chair to anyone who cares to answer.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: The amendment before us doesn't deal with that in any way, shape or manner, but once we have disposed of the amendment, I will attempt to answer the question.

Thereupon House Amendment "B" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendment "A" and "B" thereto was adopted. Under suspension of the rules, the Bill read the second time.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I am going to try and put this bill in perspective as quickly as I can for members of the House. It has been a long bill and I know that my very good friend from Owls Head is going to have some comments to make about it. As a matter of fact, I have a little note here from her saying, "I had a green crab sabotage your mike, and there is a red herring under your chair." So, I am generally concerned.

This bill is the result of a summer and fall long study by the committee. The study order resulted from three bills which the Department of Marine Resources asked to be introduced last year as a result of federal regulations which the Food and Drug Administration wanted to impose on the shellfish industry. The committee unanimously rejected those bills.

After a number of adverse comments from this state and other coastal states, FDA agreed last fall not to promulgate what amounted to absurd and ridiculous regulations. For example, the regulations would have required each acre of clam flats to be assigned a number which would accompany the clams from the digger to the wholesaler to the retailer to the consumer. FDA intends to repromulgate the regulations in June of 1976 and asked the appropriate comments to put them in effect in June of 1977.

The bill before us today, with two or three exceptions, rearranges and reconstructs the licensing and sanitation provisions of the Marine Resources Statutes.

Very briefly, the salient points of the bill are as follows: Number one, the bill allows the state to provide regulations for the sanitary processing, harvesting and transporting of shellfish. It allows for some thoughtful consideration by the department of the type of sanitary regulations that we must have in effect before the federal government repromulgates their regulations in order to, I think, prevent the federal government imposing some really ridiculous regulations on the shellfish industry.

Number two, it combines the wholesale shellfish license in the wholesale shellfish certificate. This enables the Department of Marine Resources to stop the wholesaling of shellfish under the certificate when the violations of transportation of unsanitary shellfish have taken place under the provisions of the shellfish license.

Third, it separates the wholesaling of shellfish from the wholesaling of seafood. The reason we did this — and being very honest with this House, it creates new licenses — the reason we did this because of the fact that the courts have been very, very hesitant to convict a person for a shellfish violation. The reason they have been hesitant is, if they convicted them for a shellfish violation, they would be taking the person's license that also involved lobsters, crabs, scallops, and all of the other marine resources that the present wholesale dealers and processors license allows a person to sell those products.

Fourth and finally, it allows for the due process in the licensing procedure and I think provides better protection for both the state and the individuals that are licensed.

The good gentleman from Owls Head has distributed this morning a copy of a memorandum to her from the Commissioner of Marine Resources and the general thrust of the memorandum is that he is opposed to the bill at this time for a number of reasons. I think the specific objections we have taken care of in House Amendment "B" to Committee Amendment "A", which we just adopted.

Now, the reason the commissioner has indicated to Representative Post and to members of the committee previously that he is opposed to this at this time is that the FDA decided last fall not to promulgate the regulations and since they backed off, there is no urgency with this legislation.

Well, I would disagree with that point of view, and I would offer for your consideration for two reasons. Number one, I think we all agree that we do in fact have a problem with the shellfish sanitation laws as they are presently on the books. Just because the federal government backs off with some regulations that they were going to impose upon the shellfish industry, I don't think it allows us to back off from our responsibility of clarifying our laws.

The FDA has only temporarily suspended their intentions to promulgate regulations, and I think that if we have some good sanitary provisions on our statute books regarding shellfish licensing, that we will be in an excellent position to respond to them this June that we have cleaned up our laws and that there is no need for them imposing some ridiculous regulations on us.

The Department of Marine Resources intends to review and revise and rewrite all of their Marine Statutes for introduction in the 108th Legislature. This was perhaps a major responsibility for the new Assistant Attorney General that has recently joined that department.

It seems to me that if we can put these laws on our books now, the department will have an opportunity for six months to see how they work

and if there are revisions that need to be made, we can make them next year when we come back in the 108th session.

No one knows what the full effect of the legislation is going to be once we leave here in Augusta. I will be the first to admit, with this bill or with any other bill, that the potential for some problems could possibly exist. I honestly believe that we have dealt very fairly with this bill, that it is a sound bill and if we give it a chance to work, I think it is going to be a big improvement upon our statutes. So, I do hope today that after some debate, and I will certainly be more than happy to respond to any questions, that we could pass this bill to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: From my own perspective on what happened on the bill, I was actually the sponsor of the several shellfish regulation proposals that were proposed by the Department of Marine Resources in the regular session. I was asked to sponsor them and I did. Having signed my name to them and when I was comparing them with our statutes afterwards, I realized that the bills were not in very good shape and went to the then commissioner and asked him to check into several areas over which I had some concerns and we decided that they should have been withdrawn, and they were.

I then did sponsor a study order to look into this matter and at that time we were definitely under the gun of federal regulations. However, we are no longer at this point under the gun. My feeling right now is that although there has been a great deal of work put on, this bill is inconsistent, it has a lot of mistakes in it and we are actually going to end up putting ourselves in some very difficult positions, and I think on this certainly the Commissioner of Marine Resources agrees, to respond to a crisis which no longer exists.

Some of my major problem areas are, and I will try to be brief, one of the things that happen is that all of the definitions were changed. The definitions that were changed relate to the entire statutes, not just the statute that we were dealing with. No one has really gone through these and seen how these changed definitions affect other areas of the statutes. I think these changes in definitions should only take place when there is going to be a lot of work done on the entire statutes, and that is going to be done this summer by the new Assistant Attorney General who was hired specifically for that purpose.

The second problem is that in drafting this what they did was to take and apply specific licensing standard provisions to all licenses so things that used to apply just to seafood dealers and shellfish handlers licenses now apply to harvesters licenses. The kinds of problems that you get into are on Page 12. One of the things is right of access. It means the commissioner or his agent or any employee with the department can have unrestricted access to any building, vehicles, boats, whatever, for inspections or collections of samples. I mean they can go on any fishing boat that they want to or they can go out with somebody while they are digging clams all the time if they want to, but if a fisherman says no, then they can have their license denied. Perhaps this is necessary for somebody to go in and take sanitation samples of somebody who is handling shellfish; it is not necessary for somebody who is on a fishing boat.

Section 7 on Page 12 says that anyone who has a license, and this can be fishing or sea food handlers, any of the other licenses that the department gives out, shall make a record of all purchases and sales of fish, shellfish, lobsters, crabs or parts or products thereof covered by this section and shall file those records with the department. Now, the department may or may not decide by regulation that a lobsterman, for

instance, has to tell everyone who he sells his lobsters to how much he gets and file those monthly with the department. I want to tell you, I don't want to be responsible for going home and having signed something that says the department can do that. That is exactly what the bill says now as it stands.

Another new area that was included was suspension by administrative proceedings. What happens is now that under this bill we would give the Commissioner of Marine Resources the power to promulgate the regulations, enforce the regulations, and then be judge if any of the regulations are in fact broken. Granted, there is a hearing procedure, but that hearing procedure can take some time and in the meantime it states in this bill that the suspension shall remain in effect. I want to tell you that having your lobster license suspended for even a couple of weeks during the summer can mean a great deal in loss of income.

We already have a section in which allows or mandates a suspension of a license when somebody has been convicted of a crime or has been convicted at court of breaking the regulations.

We have another section which deals with emergency procedures when it has been declared there is a problem of health and safety. I don't think this third area is necessary and I am really concerned about it.

I guess my major problem, however, and the one that is least easy to deal with, are the problems in drafting the bill. I would ask you to take a look at Page 16. Page 16 deals with wholesale seafood licenses. It says that you can't deal in the state in the wholesale trade of lobsters, fish, crabs etc., unless you have a wholesale seafood license. Then it tells you what you can do when you get that license. Well, somebody made a mistake in this. When you get that license the only thing that you can do is to deal in the wholesale trade, shipment, etc., of lobsters. The license, once you get it, even though you have to have it, it is unlawful to deal in the wholesale trade of fish or crabs, whatever, without a license. Once you get the license, the only thing it allows you to do is to deal with the wholesale trade shipment, etc., of lobsters.

Section 4315 which is on the same page, we had some amendments and we did put in scallops which was left out before. Unfortunately, it was only put in the first paragraph and not dealt with all the way down the line.

I could go on for probably another 20 minutes in terms of the drafting problems and the problems we had with the bill. I did try to deal with these in committee, but that wasn't possible. I don't think that it is possible to deal with these kinds of things on the floor of the House. The crisis no longer exists. I personally think if we go before the federal regulation, when they come to decide what they are going to try to promulgate for their rules and regulations handling shell fish, at this point I would feel much more comfortable defending the rules that we have than the rules that are proposed under this particular bill and so does the Commissioner of Marine Resources or he would not have asked that this bill be defeated.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Marine Resources Committee, I signed this out "ought to pass" but I did it with reservations. Last night and this morning, I have received quite a lot of flak from this bill. I have the print-out that came across your desks this morning, Section 4313, number 3, and 4313, number 6 gives me a few more reservations. I do realize that within the amendment that Representative Greenlaw put across our desks a few minutes ago takes care of some of these problems that we had with it, but I still have very many reservations about this bill. Therefore, I will move at

this time that this bill and all its papers be indefinitely postponed.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: If I may have a little license here, the walrus and the carpenter stood upon the moonlit beach, "The time has come," the walrus said, "to speak of many things, of scallop beds and clam flats, of quahogs and of other murky things, and if the seas are boiling hot and how much a periwinkle brings."

I think the problem with any bill like this is that it is long and complicated and it is hard to describe on the floor of the House. The only thing I can do is speak to need.

In 1974, there were 68,000 cases of sickness directly traceable to shellfish in the United States. Maine did not lead in this and I am in no way intimating that Maine has a major problem with shellfish sickness and poisoning, we don't. We are one of the leading states for this. I maintain we should continue to lead, but because of this problem nationwide, the federal Drug Administration was forced to take some kind of actions and they came out with a set of rules and regulations that you wouldn't believe and the whole of the Atlantic Coast was stirred up. There were a series of meetings and people reacted and tried to clean it up and tried to qualify their laws and bring their laws together and protect their industries. In Maine, the shellfish industry is a major industry and a very important industry to us.

Three bills have been presented by the department, we turned them all down and put it out for study. Eight drafts went into this bill, it was criticized, it was brought up, we kicked it around the committee, we talked to Legislative Research, we talked to Ed Bradley, who is the new Administrative Assistant for the Marine Resources Department, we came up with this bill. If we don't pass this bill, the federal government is going to come out with a set of regulations which they will bring out in June of this year for implementation in June of next year and we won't have anything in reply to them if they come out with something as bad as they did before. I certainly hope they will be a little better.

I think we have come down to a question here, are we going to be dragged, kicking and screaming, by the federal government into having to do something or are we going to lead? Are we going to clean up our own statutes, set up our own laws that are good laws and then we can go to the feds and we can say, look, we did it and we did a good job. We realize there is a problem and we have met it. I think this bill does that. I think the amendment that Mr. Greenlaw offered clears up a good deal of the problems with it and I hope very much we will not indefinitely postpone it and will pass it.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am a little perplexed for the first time in my life on a bill that has come up from the coast or pertaining to the coast. I certainly hate, as we get down towards what may be the end of the session hopefully, that we are on a very important piece of shellfish legislation which I guess I am really in the dark on and trying to understand the play-by-play that is going on here between the department and some of our Marine Resource members.

We have all been presented with an interdepartmental memorandum here on our desks which the commissioner has stated his stand, that he is strongly opposed to passage of this bill in form at this time. It counteracts a little bit what the gentleman from Yarmouth just said, that the immediate need to revise our statutes has been eliminated by the Food and Drug Administration's decision to delay im-

plementation of its new regulations until June of 1977. So, if somebody on the committee right on this particular point could help me out a little bit, I think that we might clear this up. Otherwise than that, I think that I am inclined to go along with the department at this particular time and support the lady from Owls Head.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I have a few questions with this bill that I would like to ask any member of the Marine Resources Committee, maybe they could explain it to my satisfactions. On page 14 of the bill, under Designation and General Scope of Licensing under Subsection 3, it reads, "The holder may transport and sell shell stock that he has lawfully dug or taken but shall not transport or sell shucked shellfish under this license."

Now, does this section here mean that a person cannot dig clams and shuck those clams in his house and then he is prohibited from transporting those clams to the clam dealer, the wholesaler that he usually sells to? I think it would, or at least it says he can't.

"There is a new section added, I believe, at the end of the last sentence in Section 4. It says, "unless that person has in his possession a bill of sale therefor. This is under "possession prima facie evidence." I don't think at the present time you have to have a bill of sale for any amount of clams over a half a bushel. I don't think any clam dealers are giving bills of sale, they don't usually, you go in and buy your clams, take the clams and go home with them. So, in this section, unless you have your bill of sale you can be taken into court and be fined for illegal possession of clams.

Section 4313, "Wholesale shellfish license-certificate." I believe this is a new section.

Let's go over on Page 15 under Subsection 7, it says, "Retail to wholesale prohibited. No wholesale shellfish license-certificate holder shall purchase from any retail seafood licensee, shellfish for the purpose of sale in the wholesale trade." So, this section here prohibits the wholesaler from buying from a retailer if he needed to. It is possible that if the wholesaler sold a retailer 10 or 20 bushels of clams for an occasion, that occasion didn't arise, something happened, bad weather, whatever, that retailer would be stuck with that 10 or 20 bushels of clams, he couldn't resell it back to the wholesaler.

Yet, you go down in Section 8 the very next section, on the last sentence it says that a retailer can sell his clams to another retailer but he can't sell them back to the wholesaler that sold them to him. That is another very contradictory matter in the bill.

Another question I have is on the nonresident export license, a new license or is the license in effect now, not only the export license but the import license also? Because if our state is going to have import licenses and export licenses, certainly every other state in New England is going to adopt the same position for every dealer in the State of Maine dealing in that state. It doesn't take very long for another state to see that our state is rooking the importers or the exporters and their state does the same thing, sometimes called reciprocal agreements in the states.

I have a lot of objections with this bill. I don't think it should be enacted in a special session. As the gentlelady from Owls Head said, the department is doing a study on all of the Marine Resource laws. Last session, through increased license fees we raised \$195,000 for this department \$19,245 of that went for an Attorney General for that department. It is his job to rewrite these rules and regulations. Why should we adopt a 22-page document today that will be

rewritten this summer and adopt the new regulations next fall?

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the comments of the gentleman from Stockton Springs, Mr. Shute. In regard to Page 14, the gentleman asked whether or not the person who held a commercial shellfish license was in fact prohibited from selling shucked shell stock, and the answer is in the affirmative, that person would be. He presently cannot. There is nothing in the statutes that allows him to sell shucked shell stock now. That is one of the most important points of this whole bill. We do not want to have shell stock shucked out, laying around in someone's house not knowing what kind of sanitary conditions exist and then having that shucked shell stock sold to someone with the possibility of bad clams making people ill. It is a very, very important part of the bill.

The gentleman asked whether or not the wholesaler is prohibited from buying from the retail dealer and the answer to that is no. What that section says, it talks about a sale by a retail seafood licensee to another retail seafood licensee is not a sale in the wholesale trade under this particular provision. The non-resident import-export license is in fact a new license and he will find that when Maine people go into other states, they have to conform to licensing provisions of other states. So I don't think that is anything unusual.

Concerning whether or not this bill should be introduced in a special session, the committee spent a great deal of time going through this whole procedure with members of the department. It is fine for the gentleman to say that the Attorney General should write the laws of this state, but it seems to me that we have an equal responsibility in that regard, too.

The commissioner has suggested some changes to this bill. We have enacted those changes. I have written him a letter asking him to suggest other changes. I have heard nothing else from him until the letter that Mrs. Post received today.

Mrs. Post has had a great deal of input in some changes in this bill in the committee, and I think some of the issues that she has spoken about today is a red herring in the largest sense of the word. At least that is my opinion and I am sure she knows that I am not saying that sarcastically.

I don't want to extend the date on this, and I just do believe that this is a good piece of legislation and I would like to see it passed to be engrossed and finally enacted.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: In response to my question from the gentleman from Stonington, Mr. Greenlaw, there isn't anything in the statutes at the present time that prohibits a person holding a wholesale shellfish license to shuck clams in his home, take those clams to a wholesaler and sell them. He says the statutes do not say that he can do this. Well, the statutes don't say that he can't do it, so if they don't say he can't do it, he can do it.

I have one more question, specific question. Does this document require the wholesaler to have an extra \$50 license, or \$35 license. The license fee last time was raised from \$35 to \$50 and all of the license fees in the department were raised anywhere from 75 percent to 500 percent the last regular session. If there are new added license increase fees this time, I think it is a poor time to do it, when it was just enacted eight or nine months ago.

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

Mrs. POST: Mr. Speaker and Members of the House: Actually, the question on whether or not a commercial shellfish holder can shuck his own shellfish and sell them is an interesting one, because it took me awhile and I actually had about a 15 minute conversation with the Attorney General this afternoon on this. Right now, if a clam digger, that is a commercial shellfish license holder, the clam digger wants to shuck his own clams and sell them, he has to get a certificate from the department to do so, but it doesn't cost him anything. So right now he has to meet sanitation regulations but he doesn't have any added cost.

As far as what the intent of this bill is, it was to say that you couldn't shuck your own shellfish unless you got a wholesale shellfish license to do that, and that would cost you \$50. That was the intent, at least in talking with the department. What actually happened, though, it depends on who he wants to sell them to, and that is because the wording on the bottom of page 14 that says you can't process, which means shuck, you can't process for sale in the wholesale trade without a license, but nowhere does it say that you can't process or shuck or cook or do anything for sale in the retail trade.

So, if a commercial license holder wants to shuck his own clams and sell them in the wholesale trade, to a wholesaler, he can't do that. If he wants to shuck his own clams and set up a roadside stand out in the boiling sun, he can do that and the department can't touch him, there is no license required. That is one of my problems with it. I have to say that I am really upset that I let Representative Greenlaw use the red herring before I did because I was prepared to use it in connection with Representative Jackson's remarks.

One thing we have done with this particular bill is to say that if you want to process, meaning shuck, for the retail trade, you need no license, no license, and we talked with the Attorney General this afternoon. If you want to shuck or process for the wholesale trade, you have to have a license and the department can come in and inspect you. If you want to run a store, you don't have to have any license. So, actually what we are doing is leaving the whole state pretty wide open as far as the sanitation regulations are concerned. If you are a resident and you want to import shellfish, you don't have to have a license.

The question on the wholesale can't buy from the retail, I think Representative Greenlaw said they could and they cannot. That is on Page 15. No wholesale shellfish license certificate holder shall purchase from any retail seafood licensee shellfish for the purpose of sale in the wholesale trade. They cannot do that. The retail can sell to a retail, or it depends really what section of the bill you are looking under. In some areas it says you can and some areas says you can't, but it specifically says that a retailer cannot sell to a wholesaler.

I hope you understand what I am trying to say, that this bill is in no position to be passed. I realize the committee has put a lot of work into it and I realize the staff has put a lot of work into it, and I have too, but at this point, I feel that I would much rather distend the regulations we have than pass something like this without having any idea what we are getting us into, even knowing some of the problems. These are the problems that we have raised and there are many more.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This whole exercise is sort of like taking a \$50 pocket watch and jumping up and down on top of it and then saying, gee, the parts don't fit and it doesn't work. It did work when we came in on it, but I am afraid

that they are not going to now, or at least a lot of people don't think they do.

I would point out to you again, though, that the feds promulgated their regulations, withdrew them, and they are going to promulgate them in June and we are going to have to face them again, and I think the state should take some action. I think this bill has been well worked out, and even for all our jumping up and down, it is a good bill and does cover the problem.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, like the gentleman from Bar Harbor, am in a rather perplexing situation. I have tremendous respect for the gentleman from Stonington, who I consider one of the experts in the fishing industry, and its laws and regulations, but in checking with some of my constituents and the effect these regulations might have on them and the innuendoes or suspicions that they have on their implementation, I think I would have to go along with the indefinite postponement today and hope that in another session we would come up with a more complete set of regulations.

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

Mr. SHUTE: Mr. Speaker, does this bill require an extra wholesale license for the wholesalers?

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: To answer Mr. Shute's question, if he was listening to my initial remarks, he would have heard that I did indicate that this in fact does require an extra license. It separates the wholesale shellfish license certificate from the wholesale seafood license and the reason I said that the committee had done this was simply because when the department takes a shellfish violation into court under the present wholesale dealers' and processors' license, the courts have been very, very slow to convict the person of a shellfish violation because it would completely eliminate that persons' ability to operate under that license. So what we have done is separate the two licenses. The gentleman is correct, it does require another license.

The department indicates there are presently about 400 wholesale processing dealers' licenses. I tried to find out this morning from the chief warden just how many presently licensed wholesale dealers and processors would require the two licenses, and he couldn't give me any type of any answer. In my estimation, and it is an estimate, it might be somewhere in the vicinity of 25 to 30 people that would require a second license.

Mr. Speaker, to save some time, I request when the vote is taken, it be taken by the yeas and nays.

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

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

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to delay this very much longer, ~~excepting~~ I have just been reading the bill and I have read the statement from the department and also the

commissioner, who violently objects to this bill. I think it would be a serious mistake, gentlemen, if we went into a special session and passing a bill of this magnitude would be inflicting things on certain members of our shellfish industry that shouldn't be done at this time, until we give it more study, more time, and certainly the 108th isn't that far away.

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

Mrs. KANY: Mr. Speaker, Mr. Lynch is absent and he wishes to vote for the bill and I wish to vote in opposition to it.

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, wishes to pair her vote with the gentleman from Livermore Falls, Mr. Lynch. If the gentleman from Livermore Falls, Mr. Lynch, were present, he would be voting nay and the gentlewoman from Waterville, Mrs. Kany, would be voting yea.

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

#### ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Byers, Call, Carey, Carroll, Carter, Chonko, Clark, Connors, Connolly, Cox, Curran, P.; Davies, DeVane, Doak, Durgin, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hunter, Hutchings, Immonen, Ingegneri, Joyce, Kaufman, Kelley, Kennedy, Laverty, Lewin, Lewis, Littlefield, Lizotte, Lunt, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreaarty, McKernan, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Pearson, Pelosi, Perkins, S. Perkins, T.; Peterson, P.; Pierce, Post, Quinn, Raymond, Rideout, Shute, Silverman, Snowe, Sprowl, Strout, Stubbs, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong.

NAY — Birt, Burns, Carpenter, Cooney, Curtis, Dam, Goodwin, H.; Greenlaw, Hall, Jackson, Jensen, Kelleher, Lovell, Mackel, Mills, Peakes, Peterson, T.; Rolde, Saunders, Smith, Snow, Spencer, Tarr, Theriault, Torrey, Webber, Winship.

ABSENT — Ault, Bowie, Churchill, Cote, Curran, R.; Dow, Drigotas, Dudley, Dyer, Gauthier, Hinds, Hughes, Jacques, Jalbert, Laffin, LaPointe, LeBlanc, Leonard, McMahon, Mulkern, Norris, Palmer, Powell, Rollins, Susi, Talbot, Teague.

Yes, 94; No, 27; Absent, 27; Paired, 2.

The SPEAKER: Ninety-four having voted in the affirmative and twenty-seven in the negative, with twenty-seven being absent and two paired, the motion does prevail.

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

Mr. SHUTE: Mr. Speaker, I now move that the House reconsider its action and I hope you vote against me.

The SPEAKER: The gentleman from Stockton Springs, Mr. Shute, moves that the House reconsider its action whereby the Bill and all accompanying papers were indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

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

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Clarify Certain Provisions in the Education Laws" (Emergency) (S. P. 651)

(L. D. 2056) which was tabled earlier in the day and later today assigned.

On motion of Mr. Morton of Farmington, retabled pending adoption of Committee Amendment "A" as amended by House Amendment "E" thereto in non-concurrence and tomorrow assigned.

#### (Off Record Remarks)

On motion of Mr. Tierney of Durham, the House reconsidered its action whereby Bill "An Act Redistributing the Powers of the Executive Council" (H. P. 1997) (L. D. 2197) (C. "A" H-1115) was passed to be engrossed.

Mr. Tierney of Durham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1166) was read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: The purpose of this amendment is to require the Joint Standing Committee on Business Legislation have some input into the nominations of the Superintendent of the Bureau of Consumer Protection and the Superintendent of Insurance. I feel very strongly that this amendment should be adopted because the Insurance Commissioner, for one, has a vast amount of power in the state. After public hearing, he has the opportunity to set the insurance rates which all of us must pay, whether it is our automobile insurance or workmen's compensation, our property insurance or liability insurance, it is an extremely important position.

I do feel that this is a position which should not be allowed to be approved without some legislative input and I would hope you would adopt House Amendment "A".

Thereupon, House Amendment "A" was adopted.

Mrs. Boudreau of Portland offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1183) was read by the Clerk.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: This amendment deals with Title 21, the election laws. We are putting the governor back in in certain sections because he does have the powers still.

Thereupon, House Amendment "C" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I presently have an amendment being printed but it has not come over from the office. I wish that somebody would table it.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage to be engrossed as amended and tomorrow assigned.

On motion of Mrs. Najarian of Portland, Adjourned until ten o'clock tomorrow morning.