

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Wednesday, February 23, 1977

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

Prayer by the Reverend Charles Burt of the Green Memorial A. M. E. Zion Church, Portland.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought Not to Pass**

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Permit Savings Institutions to Offer Mortgages for Periods up to 40 Years" (S. P. 10) (L. D. 15)

Placed in the Legislative Files without further action pursuant to Joint Rule 20 in concurrence.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act to Repeal Statutory Provisions Permitting a Manufacturer of Alcoholic Beverages to be a Stockholder in a Corporation which is a Licensee" (S. P. 39) (L. D. 65)

Report was signed by the following members:

Mr. **LOVELL** of York — of the Senate.

Messrs. **MAXWELL** of Jay
CONNERS of Franklin
IMMONEN of West Paris
TWITCHELL of Norway
MARSHALL of Millinocket
GRAY of Rockland
JACQUES of Lewiston

— of the House.

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

Report was signed by the following members:

Messrs. **LEVINE** of Kennebec
DANTON of York

— of the Senate.

Messrs. **RAYMOND** of Lewiston
NADEAU of Sanford
LIZOTTE of Biddeford

— of the House.

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

In the House: Reports were read.

Mr. Maxwell of Jay moved that the Majority "Ought Not to Pass" Report be accepted in concurrence.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we will reject the motion of the good gentleman from Jay, Mr. Maxwell so we can accept the Minority Report "Ought to Pass."

I am a member of the Liquor Control Committee and did sign the "ought to pass" report. I will briefly tell you why.

Two years ago, we gave this exception for the manufacturers to have the right to purchase a retail license. We did this for one reason only, and believe me, it was reluctantly, but we were interested in saving the State of Maine about \$3 million, which we were liable for with Evergreen Valley. We were told that if we made this exception, the Fairview Wine Company would more than likely purchase the real estate. For that reason and for that reason only, we allowed it. As it turned out, they did not buy it, and I honestly believe that we should put the law the way it was and the way it should be.

We have always had the three-step system in the State of Maine. By this I mean, number one, the manufacturer; number two, the

wholesaler; and number three, the retailer.

I urge you to reject the present motion so we can go ahead and straighten out the law. Mr. Speaker, I would ask for a division.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I want to concur with the gentleman from Biddeford, Mr. Lizotte. This is a special interest bill which was just a one-time shot, I felt.

I was not on the Liquor Control Committee last time, but I did go along with that one request. Now that this deal has not gone through, I feel the law should revert to the way it was and keep the three-tier system which has now been proposed and continue to be so without one tier involving the others.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This is the same old chestnut that came back here last year. This is a Maine company, does business in Maine. He wanted to purchase a ski area resort and he could not buy it because he had a liquor manufacturing license. They came to the Liquor Control Committee and asked us if he could be granted a permit to be able to buy this so-called company. It went through the Liquor Control Committee unanimously at that time, except for one of the members of the other body who was on the committee and he opposed it, and this time again he opposed it and he introduced the bill, which doesn't make much sense to me.

This is a Maine concern. He wants to keep his money in Maine, he would like to invest it, and there is no problem as far as him taking the liquor from his own manufacturing company and putting it into the club. He has to buy it through the state, and the state does make money with it, so I don't see anything wrong with it. I do hope that you accept the "ought not to pass" report of the majority of the committee.

The SPEAKER: The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that the Majority "Ought Not to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the gentleman from Lewiston where he said this was a Maine company and they would be entitled to have this one license. But then again, you must consider that if we give this right to one bottling company to do this, the wholesalers will come around and they will want the same exception, and it would be pretty hard to say no.

I think we should stay with the three-step system, and I certainly urge you to vote no on this motion.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that the Majority "Ought Not to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach,

Beaulieu, Bennett, Benoit, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bunker, Bustin, Byers, Carter, F.; Churchill Connors, Cote, Cunningham, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Gray, Hall, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jacques, Jalbert, Joyce, Kane, Kilcoyne, LeBlanc, Littlefield, Locke, Lunt, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McKean, McPherson, Mills, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Peltier, Peterson, Prescott, Rideout, Rollins, Shute, Smith, Spencer, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Tyndale, Valentine, Wilfong.

NAY — Bagley, Berry, Berube, Biron, Brennerman, Brown, K. C.; Burns, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Diamond, Dutremble, Flanagan, Fowlie, Goodwin, H.; Green, Greenlaw, Henderson, Hobbins, Howe, Hughes, Kany, Kelleher, Kerry, Laffin, LaPlante, Lewis, Lizotte, Lougee, Lynch, McHenry, Mitchell, Moody, Nadeau, Norris, Pearson, Perkins, Post, Quinn, Raymond, Silsby, Tierney, Trafton, Truman, Twitchell, Whittemore, Wood, Wyman.

ABSENT — Davies, Jackson, Jensen, McMahon, Peakes, Sprowl, Strout.

Yes, 87; No, 54; Absent, 7; Vacant, 2.

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

The following Enactor was taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act Converting Mount Chase Plantation into the Town of Mount Chase and Converting Westmanland Plantation into the Town of Westmanland (H. P. 39) (L. D. 56) (S. "A" S-8)

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

By unanimous consent, ordered sent forthwith.

Non-Concurrent Matter

Joint Order Relative to Amending Joint Rules (S. P. 88) which was read and passed as amended by House Amendment "A" (H-7) in the House on February 1, 1977.

Came from the Senate, passed as amended by House Amendment "A" (H-7) and Senate Amendment "A" (S-14) in non-concurrence.

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

Messages and Documents

The following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE

February 15, 1977

The Honorable Armand A. Dufresne Jr.
Chief Justice
Supreme Judicial Court
Androscoggin County Court House
Auburn, Maine 04210
Dear Chief Justice Dufresne:

The Maine Legislature invites you to address a joint convention of the House and Senate on Wednesday, March 9, 1977 at 10:30 a.m. concerning current developments in the Judicial

Department. If you wish to invite the other Justices of your Court to attend also, they will be most welcome.

Cordially yours,

Signed:

JOSEPH SEWALL
President of the Senate

Signed:

JOHN L. MARTIN
Speaker of the House

The Communication was read and ordered placed on file.

The following Communication:
STATE OF MAINE
SUPREME JUDICIAL COURT
AUBURN, MAINE

February 18, 1977

The Honorable John L. Martin
Speaker of the House
House of Representatives
State House
Augusta, Maine 04330
Dear Representative Martin:

I appreciate very deeply the invitation of the Maine Legislature given to me in my capacity as Chief Justice of the Supreme Judicial Court to address a joint convention of the House and Senate on Wednesday, March 9, 1977 at 10:30 a.m. concerning current developments respecting the Judicial Branch of Government, and do accept the same. As suggested in the invitation, the other members of the Supreme Judicial Court will gladly attend.

With best wishes, may I remain

Yours ever truly,

Signed:

ARMAND A. DUFRESNE JR.
Chief Justice

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and referred to the following Committees:

Health and Institutional Services

Bill "An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation" (H. P. 473) (Presented by Mr. Blodgett of Waldoboro) (Cosponsor: Ms. Clark of Freeport)

Committee on Appropriations and Financial Affairs was suggested.

On motion of Mr. Goodwin of South Berwick, referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

Business Legislation

Bill "An Act to Provide for the Restrictive Licensing of Certain Financial Institutions" (H. P. 474) (Presented by Mr. Peakes of Dexter) (Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Establish the Maine Student Incentive Scholarship Program" (Emergency) (H. P. 475) (Presented by Mr. Boudreau of Waterville)

Bill "An Act to Require the Purchase of School Buses Through the Bureau of Purchases" (H. P. 476) (Presented by Mr. Carey of Waterville) (Cosponsors: Mr. Hobbins of Saco, Mr. Wood of Sanford, Mr. Twitchell of Norway)

Bill "An Act Relating to Approving and Financing School Construction" (Emergency) (H. P. 477) (Presented by Mrs. Mitchell of Vassalboro) (Cosponsors: Mr. Kerry of Old Orchard Beach, Mr. Wyman of Pittsfield) (Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Appropriate Funds for Municipalities Involved in Special Elections for State and National Offices" (H. P. 478) (Presented by Mr. Howe of South Portland)

Bill "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot" (H. P. 479) (Presented by Mrs. Mitchell of Vassalboro) (Cosponsor: Mrs. Nelson of Portland)

Bill "An Act Relating to the Reporting of Loans to Candidates" (H. P. 480) (Presented by Mrs. Trafton of Auburn)

Bill "An Act to Establish 'Open' Primary Elections" (H. P. 481) (Presented by Mr. Moody of Richmond)

Bill "An Act to Insure Enforcement of the Penalty for Failing to File Election Reports" (H. P. 482) (Presented by Mr. Carrier of Westbrook) (Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Restricting Guide Licenses to Residents and Requiring Nonresidents to have a Guide while Hunting" (H. P. 483) (Presented by Mr. Masterman of Milo) (Cosponsors: Mr. Gillis of Calais, Mr. Connors of Franklin)

Bill "An Act to Require Completion of a Hunter Safety Course as a Condition of Obtaining a Hunting License" (H. P. 484) (Presented by Mrs. Lewis of Auburn) (Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Amend the Law Regulating Mass Gatherings" (H. P. 485) (Presented by Mr. Stubbs of Hallowell)

Bill "An Act Relating to the Transfer of Property for Certain Recipients of Medical Care" (H. P. 486) (Presented by Mr. Stubbs of Hallowell)

Bill "An Act to Coordinate the Funding of the Admissions to Children's Residential Care Facilities" (H. P. 487) (Presented by Mrs. Kane of Augusta)

Bill "An Act Repealing the Law Governing Disbursements from Aid to Families with Dependent Children Account" (H. P. 488) (Presented by Mr. Stubbs of Hallowell) (Ordered Printed)

Sent up for concurrence.

Indefinitely Postponed

Bill "An Act Relating to Payments to Nursing Homes" (H. P. 489) (Presented by Mrs. Najarian of Portland)

Committee on Health and Institutional Services was suggested.

On motion of Mrs. Najarian of Portland, was indefinitely postponed and sent up for concurrence.

Human Resources

Bill "An Act to Transfer the Eminent Domain power of the Penobscot Indian Housing Authority to the Tribal Governor and Council and to Require Referendum Approval of any Action Relating to Eminent Domain" (H. P. 490) (Presented by Mr. Pearson of Old Town) (Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Require that the Purchase Price of Tickets for Motor Vehicle Racing Events that are Cancelled be Refunded" (H. P. 491) (Presented by Mr. Stubbs of Hallowell)

RESOLVE, Authorizing Vandelia T. Rowe to bring Action against the State (H. P. 492) (Presented by Mr. Burns of Anson) (Approved for introduction by a majority of the Legislative

Council pursuant to Joint Rule 25)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Authorize the Purchase of 100 copies of 'Tall Ships, White Houses, and Elms, Thomaston, Maine, 1870-1900' published by the Thomaston Historical Society" (H. P. 493) (Presented by Mr. Gray of Rockland)

Bill "An Act Repealing the Bay Point Village Corporation" (Emergency) (H. P. 494) (Presented by Mr. Moody of Richmond)

Bill "An Act to Provide Certain Travel Expenses for County Commissioners of all Counties" (H. P. 495) (Presented by Mr. Morton of Farmington) (Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Authorize General Fund Bond Issue in the Amount of \$30,000,000 for Planning, Construction and Equipment of Pollution Abatement Facilities" (H. P. 496) (Presented by Mr. Hall of Sangerville) (Cosponsor: Miss Brown of Bethel) (Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Providing for Transfer of Railway Safety Regulation to the Department of Transportation" (H. P. 497) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to Incorporate the Eastport Utilities District" (Emergency) (H. P. 498) (Presented by Mr. Mills of Eastport)

Bill "An Act Concerning Termination of Public Utilities Service" (H. P. 499) (Presented by Mr. Tyndale of Kennebunkport)

Bill "An Act Increasing Compensation of Trustees of Gray Water District" (H. P. 500) (Presented by Ms. Clark of Freeport)

Bill "An Act to Limit the Liability for Damage to Underwater Lines" (H. P. 501) (Presented by Mr. Greenlaw of Stonington) (Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Relating to the State's Bonded Debt" (H. P. 502) (Presented by Mrs. Kany of Waterville)

Bill "An Act Concerning Gubernatorial Appointments to the Board of Commissioners of the Profession of Pharmacy" (H. P. 503) (Presented by Mr. Boudreau of Waterville) (Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Relating to Tax on Pari-mutuel Pools and State Stipend Laew" (Emergency) (H. P. 506) (Presented by Mr. Higgins of Scarborough) (Cosponsors: Mrs. Najarian of Portland, Mr. Whittemore of Skowhegan, Mr. Rideout of Mapleton) (Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Provide for Specially Designed Registration Plates for the Maine National Guard" (H. P. 504) (Presented by Mr. Strout of Corinth) (Cosponsor: Mrs. Berube of Lewiston) (Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Concerning State Retirement Benefits for Police Officers and Firefighters" (Emergency) (H. P. 505) (Presented by Mrs. Beaulieu of Portland)

(Ordered Printed)
Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 507) recognizing that:

Miss Sydney Sawyer of Lincolnville Beach, has attained the highest number of points in the Maine Horse Association Youth Activity Pleasure Horse Class, English, and has won the Governor's Challenge Trophy in 1975 and again in 1976.

Presented by Mrs. Hutchings of Lincolnville. The Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: Miss Sydney Sawyer, the daughter of Mr. and Mrs. Frank Sawyer of Lincolnville Beach, is one of Maine's top equestrians. Participating in horse shows for several years, she has an outstanding record of achievement.

At this writing, at the completion of this year's show circuit, she received championships in the Maine Horse Association, English Pleasure, M. H. A. Youth Activity, English Pleasure, Bridal Path Horse, Junior Exhibitor's hack, horse or pony, and a Reserve Championship in Youth Activity Showmanship, English. Sydney received the Challenge Trophy awarded to the horse winning the high score award in the M. H. A. Open Pleasure Horse Class, English. The River Ridge Challenge Trophy awarded annually to the horse or pony winning the highest number of points in the Junior Exhibitors, hack or pony class — this is the second year that Sydney has won this trophy. The Dalton Awards and Badges Company Challenge Trophy, awarded to the youth winning the highest number of points in the M. H. A. Youth Activity Division — this is also the second year.

In 1973, the State of Maine donated the Governor's Challenge Trophy to be awarded to the youth winning the highest number of points in the Maine Horse Association Youth Activity Pleasure Horse Class, English. This trophy was won in 1975 and again in 1976 by Sydney. The trophy must be won three times by the same person for permanent retirement.

Miss Sawyer has been an active member of the Knox County Cantalope 4-H Club for seven years. Participating in the eastern states exposition 4-H show in Springfield, Mass. she and her bay mare won the English Pleasure Class for the third consecutive year this past fall. This was the first time this accomplishment has been achieved by the same horse and rider.

Sydney is a Junior at Camden-Rockport High School and a pupil of Hill-N-Dale Stables in Warren, Maine. (Applause)

Whereupon, Miss Sydney was appointed Honorary Page for the remainder of the day.

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

A Joint Resolution (H. P. 472) in memory of the Honorable George C. Lord of Wells, member of the 81st, 82nd, 83rd Legislatures and 3 terms on the Executive Council.

Presented by Mr. Mackel of Wells.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: The Honorable George Clement Lord II of Wells died on Monday, February 14, at the age of 87. The gentleman from Wells, Mr. Lord, served in the 81st, 82nd and 83rd Legislatures as a member of both bodies. He served from 1931 through 1936 on the Executive Council. He was a member of the Fish and Game Council from 1937 through

1944. He served on the State Highway Commission from 1941 through 1947. He was a director of the Maine Good Roads Association and a member of the State Building Commission.

George Lord served not only at the state level but at the county and local levels as well. He served for three years as probation officer in York County. For 25 years, he was tax collector and assessor for the Town of Wells, for six years, he was selectman.

George Lord's service to his state, county and town was consistent with his heritage. I would like to quote from an early history of Maine. "In the marvelous strides made by the Pine Tree State in the past half century, she owes much to the family of Lord, members of which have contributed in a marked way to her mercantile, political and agricultural advance."

I would also like to quote from an article which appeared in the York County Coast Star. "George Lord worked the land he inherited without despoiling it. He kept what he could in its natural state. He spent most of his life in the governing of Maine and for his beloved Town of Wells. He will be remembered as a man who cherished the land and its people."

Thereupon, the Resolution was adopted and sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees to 19 Years of Age" (H. P. 36) (L. D. 53) reporting "Leave to Withdraw"

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act to Raise the Age of Persons Who May Purchase Alcoholic Beverages from Retail Establishments for Off-premise Consumption or to Sell as Licensees" (H. P. 167) (L. D. 205) reporting "Leave to Withdraw"

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees" (H. P. 200) (L. D. 240) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Carter from the Committee on Taxation on Bill "An Act to Provide for a Trade-in Credit for Wheeled or Tracked Vehicles used in Lumbering or Agriculture" (H. P. 61) (L. D. 82) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-25)

Report was read and accepted and the Bill read once. Committee Amendment "A" was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Ought to Pass

Mr. Hickey from the Committee on Local and County Government on Bill "An Act to Advance the Schedule for Legislative Approval of County Budgets and to Change the Interest Charges on Delinquent County Taxes" (H. P. 73) (L. D. 63) reporting "Ought to Pass"

Mr. Drinkwater from the Committee on Local and County Government on Resolve, Reimbursing Certain 1976 County Taxes on Account of Insufficient Appropriation (Emergency) (H. P. 82) (L. D. 102) reporting "Ought to Pass"

Reports were read and accepted, the Bill and Resolve read once and assigned for second reading tomorrow.

Consent Calendar

First Day

In accordance with House Rule 49, the

following items appeared on the Consent Calendar for the First Day:

Bill "An Act Appropriating Funds for Replacement Volumes of the Maine Revised Statutes Annotated" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" (S. P. 11) (L. D. 28)

Bill "An Act to Annex the Town of Otisfield to Oxford County" — Committee on Local and County Government reporting "Ought to Pass" (H. P. 127) (L. D. 160)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 24, under listings of the Second Day.

Consent Calendar

Second Day

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

Bill "An Act Concerning Witness Fees Under the Public Utility Regulatory Statute" (S. P. 59) (L. D. 132)

Bill "An Act Requiring Public Utilities Commission Regulated Motor Carriers to File a Designated Agent for Services of Process and Court Appearances" (S. P. 82) (L. D. 190)

Bill "An Act to Revise the Bath Water District Charter" (S. P. 72) (L. D. 151)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence.

(H. P. 99) (L. D. 123) Bill "An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems"

On the request of Mrs. Post of Owls Head, was removed from the Consent Calendar.

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

Passed to Be Engrossed

Bill "An Act to Clarify the Education Laws" (H. P. 123) (L. D. 156)

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

Mrs. Lewis of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-26) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of House Amendment "A" and would speak briefly.

What House Amendment "A" does is repeal part of present school law. I would like to read this to you. Section 3, entire time for superintendents — he shall devote his entire time to superintendent in the school administrative unit which employs him. He may, without violation of this section, perform such educational service outside of his administrative unit as may be performed with the approval of the commissioner and with the consent of the school committee or board of directors employing him. House Amendment "A" that has been presented will remove that from the present school law.

The state pays part of the superintendent's salary, and it ought to have some say in what he does. Superintendents are full-time employees. If you repeal this section of the law, you are saying to men who are getting \$25,000, \$28,000 or \$30,000 a year, you are free to set up an insurance business, real estate business, anything that you want to do to earn money in addition to your superintendent's salary.

This House Amendment "A" will repeal a section of present law without having any input from school boards in a public hearing. I move

the indefinite postponement of the amendment.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I agree to some measure with the gentleman from Livermore Falls, Mr. Lynch, that perhaps the superintendent should spend all his time as a superintendent. However, I think that is strictly up to the people in the town and up to the local school board. I think if they want to hire a superintendent and let him do all kinds of odd jobs outside of his superintendency, that should be strictly their business and not the state's business. I don't think the state should be in the business of telling anybody how many hours he has to work and for whom, and as far as the state paying half his salary, of course under our present school finance law, the state pays half the salary of everybody who is employed in any way by a school department.

I would hope you would perhaps call this a call for local control and let the amendment pass.

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

Mr. LYNCY: Mr. Speaker, Ladies and Gentlemen of the House: There is local control. The local control is that the local school board sets the superintendent's salary; the state has no say in what the local unit decides to pay their superintendents, but they ought to have some say in determining that his is a full-time job and education is his sole purpose in being hired.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

Amended Bill

Bill "An Act to Increase the Number of Teachers Allowable in Certain Administrative Units under the Education Laws" (H. P. 67) (L. D. 92) (C. "A" H-21)

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

Passed to Be Enacted

An Act Relating to Expiration Date of Dance Licenses (S. P. 50) (L. D. 107)

An Act Placing Professional Wrestling Matches, Shows and Exhibitions under the Jurisdiction of the Maine Boxing Commission (H. P. 30) (L. D. 47)

An Act Concerning Approval of Marriage by the Judge of Probate after the Filing of Objections (H. P. 114) (L. D. 144)

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

Finally Passed

RESOLVE, Authorizing the Bureau of Public Lands to Convey by Sale the State's Interest in Certain Real Property in Hebron, Oxford County (H. P. 69) (L. D. 93) (C. "A" H-9)

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

RESOLVE, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (H. P. 91) (L. D. 117)

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

On motion of Ms. Goodwin of Bath, was placed on the House Appropriation Table.

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (H. P. 92) (L. D. 119)

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

On motion of Ms. Goodwin of Bath, was placed on the House Appropriation Table.

RESOLVE, Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory (H. P. 104) (L. D. 128)

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

Orders of the Day

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

HOUSE REPORT — "Ought to Pass" in New Draft (H. P. 467) (L. D. 484) — Committee on Education on Bill, "An Act to Amend the School Lunch and Milk Program" (H. P. 64) (L. D. 89)

Tabled — February 22, 1977 by Mr. Kelleher of Bangor.

Pending — Acceptance of the Committee Report.

On motion of Mr. Lynch of Livermore Falls, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, March 1.

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

Bill "An Act Providing for a Program of Support for Destitute Persons on Indian Reservations and Appropriating Additional Funds for the Department of Indian Affairs" (Emergency) (S. P. 187) (L. D. 573)

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

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

Bill "An Act Concerning Professional Conduct of Chiropractors, Optometrists, Podiatrists and Dentists" (S. P. 167) (L. D. 572)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, on motion of Mr. Goodwin of South Berwick, referred to the Committee on Health and Institutional Services in non-concurrence and sent up for concurrence.

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

Bill, "An Act to Revise the Salaries of County Officers" (H. P. 371) (L. D. 435) (H. A. "A" H-16) — In House, House Amendment "C" (H-23) and House Amendment "B" (H-18) read and adopted.

Tabled — February 22, 1977 by Mr. Norris of Brewer.

Pending — Passage to be Engrossed.

Mr. Curran of South Portland offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-24) was read by the Clerk.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I guess this could be known as the Cumberland County amendment to the county statutory officers' salaries. The

figures printed on the Cumberland County amendment are those figures that are proposed by the delegation for the current year. As chairman of that delegation, I will shortly be appointing a committee to take a hard look at not only the statutory officers but all of the county employees, fringe benefits and other items. I would like to start looking at that, at least from the figures that are being put into our budget for this year and not from some drastic reductions that have been suggested by the Committee on Local and County Government.

In their attempt to group the counties, I think there is one thing to take into consideration. As of the 1970 census, Cumberland County is twice the size of any other county that we could be thrown in with in terms of population, some 100,000 larger than the next most populous county. The workloads, the conditions are much different, and I would hope that this House would support this amendment for Cumberland County.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I see an attempt here by amending this bill to the point where we will be destroying it. If we do so, we will be destroying a perfectly good piece of legislation and not basing our arguments on the objective reasoning that we should have by amending the salary section merely to placate a very few office holders.

In preparing this county bill, the committee tried to be fair, impartial, and to look for the good of an entire county multiplied 16 times, and we tried to rise above the local selfish pettiness, if I might add. The result is a piece of legislation which very few people have altered up until now.

Those who have opposed the bill to cover their respective office holders have all qualified their statements by adding that although they support the bill, that it is a sound piece of legislation, that it is needed, nevertheless, they can't vote for it because of the salary structure. It becomes repetitious.

I am somehow reminded of an old French saying — Qui s'excuse, s'accuse! I can tell you after what it means. If I tell you now, you may soon forget it; if you look it up, you will remember it much longer.

I refuse to believe that we would jeopardize this bill for the reasons given. I would also like to add that present office holders will not receive a salary reduction during their term of office. Most are indeed receiving an increase. I also don't think that we should base our vote on whether our registrar of deeds feels that he or she should be receiving \$200 more than the registrar of probate, or vice versa. I firmly believe that we should not let these few force the demise of this legislation which the vast majority of our constituents, incidentally, support. Perhaps it is true that the wheel that squeaks the loudest gets the oil, but I for one intend to listen to the large group which pays the bills and are not represented here many times.

I would ask that you vote against the amendment, Mr. Speaker, may I request a roll call vote, please.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I listen with great interest this morning to my good colleague from Lewiston, Mrs. Berube, and I might just inform the gentleman and the other members of the House that I am speaking for the good interest of the constituents in my county and in my city. I think the present system we are operating under here in terms of dealing with county budgets, county salaries, work where the majority of your delegation considers what the final bottom line is in terms of salaries.

I had the privilege and distinction of serving on Towns and County Committee, or the County Government Committee as it is now known, and I have somewhat of a familiar background of the operations in that particular committee, and I think the committee members there are there to use their judgments with some clear conscience, but also to make their valued judgments based on what their delegations are considering.

Mrs. Berube talked about the privileged few. Well, I am talking about the privileged few taxpayers, if you look at the adjustments in salaries that were made by that committee in terms of salary adjustments in my county. And like other members in here this morning, I have an amendment coming in to adjust the salaries back to a position where they are not out of consistency with what we have been generally describing here in terms of salaries.

I appreciate the work of the committee, but I don't appreciate the results of the work of that committee, and I think the amendments that are flying around here this morning demonstrate that the majority members of this House and the majority members of the delegations are not in support of the committee, so I would hope that you would support the gentleman's amendment, and when mine comes along for Penobscot County, which the vast majority of my delegation is in support of, I would hope that you would support mine as well.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I hope that the members of this legislature will support the amendment offered by the gentleman from South Portland, Mr. Curran, who is chairman of our county delegation.

I believe the members of this House sincerely want the bill to pass and they are sincere in their objections to the uniform salaries set for county officers. They are trying to save the rest of the bill by amending out those parts. I know that is my intention.

I will just give you one example. On the judge of probate, the committee sent out a questionnaire. Of the 16 judges of probate, only 6 answered the questionnaire. The questions were very vague. A lot of them didn't understand really what kind of information the committee was looking for. None of the judges were called in for an interview to explain at greater length the kind of work they do. I know in Cumberland County—the committee itself said in its report that you can measure the kind of work that each officer has to do by the population, by fees and by the budget of those counties, and Portland certainly is way far ahead of all the counties in each one of those areas. Yet, we have grouped the judge of probate's salary with some of the smallest populated counties in the State of Maine.

The members of our delegation are very conservative when it comes to setting the salaries for our county officers. In spite of their pleadings for increases in salaries year after year, we have held them down. I think that we are going to look into it more. As representative Curran says, I think that is our responsibility. I hope you will support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: I would like to concur with the gentlewoman from Lewiston.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: As many people say, this was my study order. It is the result of an in depth study which was authorized by the 107th. The study

not only included the salaries of county officers, but the legislative policies for setting salaries, methods of setting salaries and proper salary ranges for each type of county officer.

Under present law, the salaries of county officers in each county are established individually by statute. For certain county officers, the statute provides for certain fringe benefits, such as retention of certain civil fees, housing, commissions on advertising of legal notices.

The setting of county salaries begins with the recommendations of the county commissioners. However, when the county officers were unable to get what they thought they should have from their commissioners, they would then come before the Local and County Government Committee and plead their case. Of course, any officer who is worth his salt can make a good argument on why he or she should get more money.

When we cross-examined them as to what their job description was, they gave vague answers. We were less than successful in trying to get a handle on the fringe benefits, nor could we find out in some instances how much time was actually spent on the job.

A job description was sought from each county officer. In addition, we compiled extensive data that reflected the actual operations and workload of each county officer with the aid of the Department of Audit. From that data, we developed a new salary schedule based on a general classification of counties, set the appropriate salaries within each class, and removed the possible discrepancies that resulted from these so-called unregulated fringe benefits.

Presently, there is no rationale for the diversity that exists between the same office in the different counties in regard to salaries. Past practice in setting county salaries was on the basis of testimony heard on salary bills. Thus, we determined that such a study was necessary in order to establish an objective criteria for the different positions in each county and for the same position in different counties.

Studying the information concerning the general characteristics of each county, and particularly about each officer's duties and workload, certain unidentifiable patterns emerge based on this. We classified counties in the three groups. Class one includes Androscoggin, Aroostook, Cumberland, Kennebec, Penobscot and York. Group two includes Franklin, Hancock, Knox, Lincoln, Sagadahoc and Waldo. Group three includes Somerset, Oxford, Piscataquis and Washington. Group one has all large population counties with metropolitan areas, budgets in excess of \$600,000 a year. Group two, basically has small populations without metropolitan concentrations, with county budgets of less than \$550,000. Group three also has small to medium populations but large land areas, including significant areas of unorganized territories. No two counties are exactly alike; however, the similarities within each group are much stronger than the disparities. Grouping the counties brought rationale and simplicity into the decisions about salaries. This eliminated to some degree the inconsistencies in paying different salaries for the same duties and responsibilities in different counties.

Salaries in this bill were arrived at based upon the gathering of much information and by no means were they hastily arrived at.

If you look at the study, you will see that we did a thorough analysis of each position; considerable time, effort and expense went into this study. It was a study long overdue. Past legislatures avoided it knowing, as we did, that it would be a controversial issue.

Amendments, however well intentioned, will put us right back to where we were before we

started the study. While you may be solving an immediate problem, you will hamper future legislatures by denying them the benefit of this study. And while it is my study order, I prefer to see this bill indefinitely postponed than to see it amended to death and put it back to where we were before.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would ask you to support the gentleman from South Portland, Mr. Curran's, amendment, although I still think I have a motion on the floor to indefinitely postpone. If you people from Cumberland County do not support this amendment, that would mean that the clerks in the office of treasurer would be making \$50 more than the treasurer. It would also mean that the matrons at the county jail would be making more than the treasurer. Although I am somewhat upset about the way we handle our county budgets, especially in Cumberland County, I think there has to be a better way, I would sincerely ask you to support this amendment for the time being.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have worked on this bill and I agree with my friend, Mrs. Berube, but I would like to point out to you that in the Cumberland County amendment the price is \$12,630 for judge of probate. If the gentleman is so busy with so much work, how can he spend so much time as a member of the third body on this floor?

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I was going to sit quietly in my seat, but I find that the gentlewoman from Brunswick has upset me a little bit, because I took it upon myself last week to sit in on a case that was heard by the judge of probate in Portland and I got quite a different view and a fascinating education, not only to his duties and his workload but some of the aspects that he has to deal with in performing those duties. Therefore, I think it only right as a Representative from Cumberland County to defend this gentleman's honor and integrity, because I am somewhat aware and have been made aware of the job that is being done by that particular officer.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Just to recapitulate a couple of items — one, I think that this amendment is the key amendment in this whole issue, that is, whether it will be a local-county tax situation, and I would not say that the locality but the county delegation in this body. We are not talking about Home Rule here, we are talking about the legislators from a particular county.

Personally, I would like to see, as we will have a chance to go later, for a reform of county government which would allow counties to, in fact, set their own salaries, but that is the counties themselves, not necessarily the legislators or the legislature, but we are stuck with the system of setting salaries for county officers, that is now our obligation. When we did that, we felt that we should do it on the most objective criteria possible.

The second point I would like to make is that the issue of the treasurer here is, I think, completely irrelevant, since this particular bill does not set the salaries of treasurers — your county budget sets those salaries, we only put a floor under them. In any case, it would not have affected any particular salary this year.

Secondly, I would like to reiterate that no salaries will be reduced by this bill. No current

office holders will be reduced in salary.

Another point I would like to make with the respect to the urbanness of Cumberland County — on the other hand, all the municipalities in that county are organized. They all have their own police forces, they all have local services, and we felt that there was a balance there as compared to some of the larger rural counties who have to deal with a lot of unorganized territories or municipalities that do not have all the services that might otherwise apply.

Finally, I think we ought to scrutinize our study orders very carefully from here on out. We really did not mean it and everybody here is not to blame, needless to say, that we should study the salaries of county officers because, in fact, we wanted to do it under the old system anyway. We should have scrutinized that study order and saved the people in Maine a lot of dough. At least this should be an object lesson for the future when we do vote on study orders. Let's not just put some people to work because they need something to do in the summer time.

I would request the yeas and nays.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I think the good gentleman from Bangor is absolutely right when he says that each county is unique unto itself. I don't think you can generalize on this thing, because I think each county does have their own responsibilities and it is up to the delegation from each county to handle its responsibilities.

We attend the meetings where all the townspeople are present. As a matter of fact, in Penobscot County some of the townspeople who pay the bill at the public meeting were concerned that all salaries were generally as low as they are in Penobscot County. That is a hard thing but we would like to keep them that way, so I hope you will allow the Cumberland County Delegation to put this amendment on and then when our amendment for Penobscot County comes along, that you will give us a hand with ours.

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

Mr. MORTON: Mr. Speaker, I would like to pose a question through the Chair to Mr. Henderson of Bangor. The gentleman from Bangor raised a question in my mind. He pointed out that no salaries would be reduced as a result of this bill. Is there a clause in the bill that provides for grandfathering present salaries of present officers?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to the gentleman from Bangor, Mr. Henderson, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HENDERSON: Mr. Speaker, I would say that there is such a clause; whether I can put my finger on it immediately, I am not sure. I would pledge to you that in fact that is the case. If there is any question about that particular part of the bill when it gets before final enactment, I would be glad to clarify it at that time.

I would also like to make one other point and that is, if we do not accept the particular salaries here, we will have to throw out several other issues dealing with the retention of fees by certain county officers. It is not quite so easy to change the numbers that are printed here because, as I said the other day, the numbers printed now would reflect what their actual compensation would be. If you look at the old numbers and say, gee, they were getting much less than they were before, that is not necessarily true. You have to consider the compensations involved with the fees.

As far as the salary reduction clause is concerned, if it gets to final passage and has not

been clarified, I will specifically clarify it with the gentleman.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: The article that Representative Morton requested is Article 7 that says, it delays the effective date of reduction in any salary until the beginning of a new term following the effective date of the bill.

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

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

The SPEAKER: The pending question before the House is on the adoption of House Amendment "D". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Beaulieu, Benoit, Berry, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Conners, Connolly, Cote, Curran, Davies, Devoe, Dexter, Diamond, Dudley, Elias, Flanagan, Fowle, Gill, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Higgins, Hobbins, Howe, Huber, Hunter, Jalbert, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, Littlefield, Lizotte, Locke, MacEachern, Mackel, Masterson, McHenry, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Post, Prescott, Rollins, Shute, Spencer, Stubbs, Talbot, Tarbell, Tarr, Truman, Twitchell, Tyndale, Valentine, Wood, Wyman.

NAY — Ault, Austin, Bachrach, Bagley, Bennett, Berube, Biron, Boudreau, P.; Brown, K. L.; Bunker, Burns, Byers, Carter, F.; Churchill, Cox, Cunningham, Dow, Drinkwater, Durgin, Dutremble, Fenlason, Garsoe, Gillis, Gray, Green, Henderson, Hickey, Hughes, Hutchings, Immonen, Jacques, LaPlante, LeBlanc, Lewis, Lougee, Lunt, Lynch, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBreairty, McKean, McPherson, Morton, Palmer, Peltier, Perkins, Peterson, Quinn, Raymond, Rideout, Silsby, Smith, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Whittamore, Willong.

ABSENT — Gauthier, Jackson, Jensen, Kerry, McMahon, Peakes, Sprowl, Strout.

Yes, 77; No, 63; Absent, 8; Vacant, 2.

The SPEAKER: Seventy seven having voted in the affirmative and sixty three in the negative with eight being absent, House Amendment "D" is adopted.

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

Mr. HENDERSON: Mr. Speaker, I would move that this bill be recommitted to the Committee on Local and County Government and would speak briefly.

The SPEAKER: The gentleman from Bangor, Mr. Henderson, moves that this Bill be recommitted to the Committee on Local and County Government.

The gentleman may proceed.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I think it is obviously the will of the House that the County Legislative Delegation System remain as it was in the past as far as the appointment of county salaries are concerned. If that is the case, there is no sense of taking up our time on this floor taking amendments from the various and sundry counties to accomplish that objective. I think the committee can follow that wish if that is the wish of the House, and for that reason, I would suggest that we recommit it to the committee to take care of the trivia.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Going along with the gentleman from Bangor, Mr. Henderson, saying that he sees no reason for taking up the time of the House on this thing, the thing to do is not to vote to recommit. Kill the motion to recommit and I shall get up and make the motion to kill this bill and all its accompanying papers, then they can go from there.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I do not understand why you have a Local and County Government body if that is the way you expect us to work. You people do not want to reform county government, you want to leave it just as it is. We are just trying to reform county government, put it on par with all the rest and you people do not understand, all you want is more and more. You know that our commissioners are not worth that money for what they do. They go there 15 hours a week, some of them do not even go 15 hours a week. You are asking the taxpayers to pay out money that really is wasted.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think we have heard this morning from the House Chairman that he would like to make another good-faith effort to report out a reform bill and still be able to take care of the needs that we have in terms of the salary for county officers. I think we should support that good-faith effort and recommit this bill.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: It has been said that everybody is a fool for at least five minutes a day and that wisdom comes from not exceeding that limit. I guess I have to confess that probably yesterday I exceeded the limit and I do not intend to do that again today.

We have been asked to recommit a bill. We heard from the gentleman from Rockland who stood up for five or ten minutes and told us that this had had a very extensive comprehensive study done. I have in my hand a redraft; the original is in the book with the LD's. How much more can you do to one bill? How much good can you do to that bill?

The primary objection of this whole bill is that section that deals with salaries. Presently, that is done in a manner that I do not think you can improve upon. All of you who have served this legislature for more than one term and possibly all of you, period, have maybe by now gone before the various people in your county and held a meeting on your budget. I am sure that all the interested parties in your county have come and they have said, this is what we think ought to be established as a salary, or this is what type of a program we would like to see in that county budget. I know that this happens in York County, and I suspect it does in every county in the state.

When you can make those types of decisions at home and when the people who are paying the bills are asking you and putting input into that document, how can you possibly improve on that? You certainly cannot do it by coming down here and grabbing numbers out of the sky and saying, we know how much work this guy does, so he is entitled to this amount of pay. That most certainly is no improvement over the present system. I think that the people at the county level know full well what their employees are worth and what they should be paid.

You have already seen four amendments attached to a bill. My experience here has been

that any bill that needs four or more amendments, you cannot say too awful much for how good that bill is. If you go ahead and amend the bill, which many people are hoping will happen, and I do not blame them, most of these amendments are proposed in self defense anyway, and maybe you get your amendment on the bill, maybe you get yourself into a posture where you feel comfortable with it, you might not stay that way too long because, remember, any amendment that you put on in this end can come off down at that end, and that thing can come back to you in a hodge-podge that you won't even recognize. I see no reason at all to recommit this bill. When the motion for indefinite postpone is made, I certainly am going to support it.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I urge each and every one of us to support the motion to recommit this bill to committee and I am going to tell you why. There are a myriad of philosophies regarding county government, some of us favor the Home Rule, some of us go all the way toward abolition. But be that as it may, it is clear, and I think the recent vote on the Cumberland County amendment is clear, that there is no consensus which has been able to be developed, at least as far as the 108th Legislature goes, as to what direction we should go.

Now, the good gentleman from Bangor, Mr. Henderson, and his committee, voted unanimously in favor of this bill. They have been batted around kind of hard today and last week and they have had several amendments which they have opposed put on the bill. This has resulted in a series of clear inequities, because some of the counties are going to have the muscle to put it on and some of the other counties are not. So all that Mr. Henderson is asking for is the opportunity to examine this bill in committee in order to interpret the message which I think has been made quite clearly by the people on the floor of this House, my good friend Mr. Berry and others, that the local county delegation system should be maintained.

But, having said that, I give you the second reason to recommit this bill. A motion to indefinitely postpone would, in my opinion, be wildly irresponsible. To kill this bill eliminates the only mechanism available in order to effectuate the raises in county salaries that you have voted on in your collective county delegation meetings. This is the only vehicle you have. To kill this vehicle makes absolutely no sense. We have sent a very clear message to the people in the County Government Committee — we do not accept your study report; come up with a new bill, keep this as a vehicle to do it. It would be irresponsible, in my personal opinion, to vote any other way.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good floor leaders remarks, on both of those points I disagree. First of all, Mr. Henderson and the majority of his committee have opposed every single amendment that was recommended on the floor of this body, so I think that the committee and the legislature has got a pretty good idea of where the delegation is going. If I am not incorrect in regards to my good floor leader, I believe that they have got a bill down there to report out salaries and if they haven't, I think it is the wisdom of this House that we could ask them to report out one with an order.

I would hope that you would heed the good gentleman from Lewiston's remarks, vote against recommitment and then we should indefinitely postpone this bill.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I know that the feelings are running high on this thing and I know that we could go on in this debate, have more and more amendments added and so forth, but it seems to me that the real part of responsibility rests in recommitment of this bill so that we can go back. I am sure that the Committee on Local and County Government would be more than pleased to have input from all county delegations as to what they want. The message this morning has been very clear to them that you are not happy with this bill, but let's save the vehicle, send it back there, then go back to the committee and I am sure they will listen to us.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I, too, would urge that you let us recommit this bill to the Local and County Government Committee.

It is true that we have opposed the amendments coming onto the floor, and we shall continue to oppose the amendments, the reason being that you have not taken into consideration the aspects of the bill, and that is that we have removed the so-called fringe benefits which, in the past, were taken into consideration when salaries were set.

I would urge the members of this House this morning to dig out the salary study that we have completed and to read through it and try, which I am sure you can do, to comprehend all parts of this study. I think then you will have a better understanding of why we oppose this bill being amended to death.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The last speaker absolutely proved that we should not recommit this bill. He made the statement "we disapproved the amendments and we shall continue to disapprove the amendments. So on that level, what is the use of recommitting a bill if they are not going to agree with it anyway? If they come back with it, they are still going to disapprove. Since my position that we go the other route, I have received two amendments. Incidentally, one concerns the registrar of probate put in by the House Chairman of the committee himself, Mr. Henderson. He has disapproved of the other four, what is he going to do with this one?"

I do not have a bill and I do not intend to have a bill to up or down any county government head. I did, as a committee member, urge that the Deputy Sheriff get \$10 a week, but that is beside the point and that is not here.

I can recall when we had individual bills that would come in here and I have seen us argue on a bill from the assistant county attorneys in their county for a couple of days and get nowhere until finally the county government committee, in its wisdom, decided to come out with one bill, starting with Androscoggin and ending with York, crossing out what was and what was not to be, leaving them alone, and that philosophy has worked out very well.

As far as I am concerned, there might have been a couple of changes that I wanted to have done by my delegation or the delegation that I am a member of, but that did not prevail. The majority felt the other way, and I accept that.

We opposed the last four amendments and we shall continue to oppose the last four amendments because, on that level, why not go back to the old system?

In answer to the lady from Brunswick, Mrs. Martin, I might say this: as far as I am concerned, I have been the strongest proponent, since I have been a member of this committee, of county government, and if there is a bill that

slides through here to knock it right clean off the books, I think I will support it. But I am not going to spend my time, nor the taxpayers dollars here just because we have nothing else to do. We will have something else to do later on, biting off four amendments that we want that the committee does not want. Then, all at once the Chairman comes up with an amendment; then I get another amendment from my own county that I knew nothing about.

I am not trying to overthrow powerful leadership of the majority or the minority parties here, I haven't got that much strength, that is for sure.

Frankly, I would have to say that I was quite confused by the remarks from my own majority floor leader, I just did not understand what he was saying and I still don't, but that is besides the point. I did understand what the last speaker said. The last speaker said that he opposed the last four amendments and he will continue to oppose them, that is what he said. On that basis, I do not want this bill recommitment. I would like to see the motion killed and then I would like to make a motion to indefinitely postpone this bill and all its accompanying papers.

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

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: This being my first year and being on the Local County Government, dealing with the county budgets, this is all new to me and I am somewhat frustrated but this is probably more frustrating, in a way. I do not believe that any member on the committee is opposed to all these amendments just for the sake of the amendments. I think we are opposed to the amendments because we see the feelings of the delegations and all the amendments that I have seen come through deal only with one section of that bill, strictly the salary part. I am sure that if this bill is recommitment, this is what we are going to take care of.

You have spoken, you do not want the Local and County Government Committee to set the salaries, fine, that can be worked out of the bill, no problem. The rest of the bill is very important and there is a lot of work that went into it. The only part that everyone seems to be concerned with is the salary so let's not kill the bill just for the sake of that, let's be a lot more reasonable than that with all the work that went into this. Let's recommit the bill and give us a chance to work on this, eliminate the salary part, if necessary, but allow the remaining part to streamline county government — allow this to go through. Let's not kill the bill just for the sake of killing it.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Local and County Government Committee, I would like very much to see this bill come back and I am a Freshman and I have been listening.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Sabattus mentioned that he has heard what we have been saying and that they would go along with that. I would remind the gentleman that if he wants to go along with it, he does not even need the bill.

The York County Delegation sets up a subcommittee to deal with the York County Budget and that delegation has already seen fit to increase the salaries of some of the county officers and probably all of the county officers, and I would submit to you that that group of people is far more knowledgeable and far more qualified to do that job for York County than you will ever be or the county government will

ever be. They are there, they are on the scene, they are the people who should be doing it. We do not need a bill from county government to do what we can do for ourselves.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would apologize for having to speak but I would just say this: (A) If there is a distrust of the Local and County Government Committee that we have some nefarious schemes that we want to slip by you, then I agree with Representative Jalbert, kill the bill. You do not need a bill from us, we will not give you a bill and county salaries will be what they were a few years ago. They will just stay the same, fine; (B) The reason we have an amendment that we sneaked on this morning was to try to demonstrate that we wanted to do what the House wanted.

Representative Hickey introduced an amendment which equalized the pay between the registrars of probate and registrars of deeds in category one. The only thing my amendment does is equalize category two and three because that was the clear intention of the House. We do not get extra pay for promoting this particular method of paying county officers. We presented a study in our best judgment; you do not like that judgment, fine. We will go back, put it together the way you want it, simple as that.

The SPEAKER: The Chair will order a vote. Those in favor of this Bill being recommitted to the Committee on Local and County Government will vote yes; those opposed will vote no.

A vote of the House was taken.

105 having voted in the affirmative and 28 in the negative, the motion did prevail.

Sent up for concurrence.

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

Mr. HUGHES: Mr. Speaker, is the House in possession of L.D. 493?

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of Bill "An Act to Assess a Surcharge on Fines and Penalties for the Operation of the Maine Criminal Justice Academy," Senate Paper 179, L.D. 493.

Thereupon, on motion of Mr. Hughes of Auburn, the Bill was referred to the Committee on Judiciary in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Valentine of York,
Adjourned until two o'clock tomorrow afternoon.