

# 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**

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## HOUSE

Wednesday, March 9, 1977

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

Prayer by Father Robert J. Brennan, Most Holy Trinity Church of Saco.

The journal of yesterday was read and approved.

## Papers from the Senate

The following Joint Order, an Expression of Legislative Sentiment recognizing that: The Katahdin High School Boys' Basketball Team has become the State Class "C" Champion. (S. P. 247)

Came from the Senate read and passed.

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

## Non-Concurrent Matter

Bill "An Act Relating to the Telephone Company Directory" (H. P. 103) (L. D. 127) which was passed to be engrossed as amended by House Amendment "A" (H-48) in the House on March 2, 1977.

Came from the Senate, the Bill and Papers indefinitely postponed in non-concurrence.

In the House:

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The other day when we debated this bill, I think we all realized that it wasn't a big deal, like in spring training, we are getting ready for the big bills that will be coming against the telephone company.

At that time, I didn't know much about the bill and I admitted it on the floor of the House. But since then, I have had a chance to study this bill, and it is one of the best bills I have ever seen.

I am sure that there will be other L. D.'s coming along the line that will benefit the majority of the people of Maine, and we don't want to get into any name-calling this morning over this bill. Therefore, Mr. Speaker, I move that we insist on our former action.

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

Mr. KELLEHER: Mr. Speaker, I move that the House recede and concur and would request a division.

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

A vote of the House was taken.

29 having voted in the affirmative and 72 in the negative, the motion does not prevail.

Thereupon, the House voted to insist.

## Petitions, Bills and Resolves

## Requiring Reference

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

## Appropriations and Financial Affairs

Bill "An Act to Require the Payment of AFDC Benefits for Unborn Children" (H. P. 673) (Presented by Mr. Connolly of Portland)

Bill "An Act to Allow Families with an Unemployed Father to Participate in the Aid to Families with Dependent Children Program in Lieu of Receiving Unemployment Benefits" (H. P. 674) (Presented by Mr. Connolly of Portland)

Bill "An Act to Provide Cost of Living Pay Increases to Classified, Faculty and Professional University of Maine Employees" (Emergency) (H. P. 675) (Presented by Mr. Davies of Orono) (Cosponsors: Mr. Pearson of Old Town, Mr. Quinn of Gorham, Mr. Devoe of Orono)

Bill "An Act Adjusting the Salary Plan for

State Employees to Provide for a Salary Increase" (Emergency) (H. P. 676) (Presented by Mrs. Kane of Augusta)

(Ordered Printed) Sent up for concurrence.

## Business Legislation

Bill "An Act Establishing Alternative Compliance Status for Itinerant Vendors" (H. P. 677) (Presented by Mr. Kelleher of Bangor)

Bill "An Act Relating to the Operation of Vending Machines" (H. P. 678) (Presented by Mr. Cox of Brewer)

Bill "An Act Concerning Review of Corporate Certificates and Other Documents" (H. P. 679) (Presented by Mr. Spencer of Standish)

(Ordered Printed) Sent up for concurrence.

## Tabled and Assigned

Bill "An Act to Prohibit Producers, Refiners and Distributors of Motor Fuels from Engaging in the Retail Sales of Gasoline" (H. P. 680) (Presented by Mr. Connolly of Portland) (Cosponsors: Mr. Kerry of Old Orchard Beach, Mr. Davies of Orono, Mr. Kelleher of Bangor) Committee on Business Legislation was suggested.

Mr. Connolly of Portland moved the Bill be referred to the Committee on Energy.

(On motion of Ms. Clark of Freeport, tabled pending the motion of Mr. Connolly of Portland to refer to the Committee on Energy and tomorrow assigned.)

## Business Legislation cont'd.

Bill "An Act to Revise the Oil Burner Men Law" (H. P. 681) (Presented by Mr. Berry of Buxton)

Bill "An Act to Change the Name of the Maine Boxing Commission to the Maine Athletic Commission" (H. P. 682) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Relating to Partnership between Husbands and Wives" (H. P. 683) (Presented by Mr. Greenlaw of Stonington) (Cosponsor: Mr. Norris of Brewer)

Bill "An Act Concerning Grocery Store Coupons" (H. P. 684) (Presented by Mr. Churchill of Orland)

Bill "An Act to Amend the Charitable Solicitations Act" (H. P. 685) (Presented by Mrs. Trafton of Auburn) (Cosponsors: Mr. Marshall of Millinocket, Mrs. Kane of Augusta, Mr. Howe of South Portland)

(Ordered Printed) Sent up for concurrence.

## Education

Bill "An Act to Improve the Ability of Local Education Agencies to Provide Educational Services to School Dropouts and Chronic Truants" (H. P. 686) (Presented by Mrs. Mitchell of Vassalboro) (Cosponsor: Mr. Stubbs of Hallowell)

(Ordered Printed) Sent up for concurrence.

## Election Laws

Bill "An Act to Clarify the Investigatory Authority of the Commission on Governmental Ethics and Election Practices in Regard to Contested Elections" (H. P. 687) (Presented by Mr. Bustin of Augusta)

Bill "An Act Relating to Nomination Petitions" (H. P. 688) (Presented by Mr. Connolly of Portland)

Bill "An Act to Establish Voting Lists Based on Those Persons who Voted in the Previous Election" (H. P. 689) (Presented by Mr. Burns of Anson)

(Ordered Printed) Sent up for concurrence.

## Energy

Bill "An Act Providing that a Lifetime Accounting of the Costs of Operating and Heating shall be made Before any Contract is Executed for the Construction or Major Alteration of a State Building" (H. P. 690) (Presented by Mr. Davies of Orono)

(Ordered Printed) Sent up for concurrence.

## Later Today Assigned

Bill "An Act to Reduce the Cost of Electric Utility Services to Customers and Encourage Energy Conservation through Improvements in Electric Utility Rate Design" (H. P. 691) (Presented by Mr. Davies of Orono) (Cosponsor: Mrs. Mitchell of Vassalboro)

Committee on Energy was suggested.

(On motion of Mr. Kelleher of Bangor, tabled pending reference and later today assigned.)

## Fisheries and Wildlife

Bill "An Act Concerning Damage to Cars Involved in Collision with Deer" (H. P. 692) (Presented by Mrs. Locke of Sebec)

Bill "An Act to Require Trappers to Check Their Traps Every 24 Hours in Unorganized Places" (H. P. 693) (Presented by Mr. Rollins of Dixfield)

Bill "An Act to Authorize the Issuance of Free Fishing Permits to Patients in Regular Nursing Homes" (H. P. 694) (Presented by Mrs. Mitchell of Vassalboro)

Bill "An Act to Provide a Special Hunting License Fee for Non-Residents who Pay Property Taxes within the State" (H. P. 695) (Presented by Mr. Cunningham of New Gloucester)

(Ordered Printed) Sent up for concurrence.

## Health and Institutional Services

Bill "An Act to Limit the Inventories of Drugs and Medicines Maintained by State Agencies" (H. P. 696) (Presented by Mr. Goodwin of South Berwick)

Bill "An Act Concerning Family Crisis Service Provided by Human Services" (H. P. 697) (Presented by Mrs. Gill of South Portland)

Bill "An Act Relating to Private Visitation and Rehabilitation Process at Correctional Institutions" (H. P. 698) (Presented by Mr. Connolly of Portland)

Bill "An Act to Create a Division of Public Health Nursing within the Bureau of Health, Department of Human Services" (H. P. 699) (Presented by Mrs. Trafton of Auburn)

(Ordered Printed) Sent up for concurrence.

## State Government

Bill "An Act Concerning Displaced Homemakers" (H. P. 700) (Presented by Mrs. Nelson of Portland) (Cosponsor: Mrs. Trafton of Auburn)

Committee on Human Resources was suggested.

On motion of Mr. Talbot of Portland, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

## Judiciary

Bill "An Act to Provide Statutory Procedures for Grievances against Attorneys" (H. P. 701) (Presented by Mr. Garsoe of Cumberland)

Bill "An Act Authorizing use of Subpoena Powers to Enforce Support Obligations" (H. P. 702) (Presented by Mr. Stubbs of Hallowell)

Bill "An Act Relating to Setting Determinant Sentences for Inmates Sentenced Prior to Enactment of the Maine Criminal Code" (H. P. 703) (Presented by Mr. Connolly of Portland)

Bill "An Act to Provide for Visitation Rights for Grandparents of Children Involved in Divorce or Custody Proceedings" (H. P. 704) (Presented by Mrs. Tarr of Bridgton) (Cosponsors: Mr. Tarbell of Bangor, Mr. Spencer of Standish, Mr. Tierney of Lisbon Falls)

Bill "An Act Relating to the Commitment of Mentally Ill Individuals to State Mental Hospitals" (H. P. 705) (Presented by Mr. Goodwin of South Berwick)

Bill "An Act to Clarify the Nonliability of Physicians and other Persons Submitting

Reports to the Secretary of State Relating to the Physical and Mental Status of Motor Vehicle Operators" (H. P. 706) (Presented by Mr. Pearson of Old Town)

Bill "An Act Relating to Public Compensation to the Victims of Crime" (H. P. 707) (Presented by Mr. Carter of Winslow)

Bill "An Act Regulating Sterilization" (H. P. 708) (Presented by Mr. Davies of Orono)

(Ordered Printed)  
Sent up for concurrence.

#### Labor

Bill "An Act Relating to Disqualification from Unemployment Compensation Benefits" (H. P. 709) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)  
Sent up for concurrence.

#### Indefinitely Postponed

Bill "An Act Concerning Payment of Employment Security Taxes of Employers of Musicians and Entertainers" (H. P. 710) (Presented by Mr. Kelleher of Bangor)

Committee on Labor was suggested.

On motion of Mr. Kelleher of Bangor, the Bill was indefinitely postponed and sent up for concurrence.

#### Labor cont'd.

Bill "An Act to Allow an Employer to Deduct from Wages of His Employees any Merchandise Unaccounted For" (H. P. 711) (Presented by Mr. Berry of Buxton)

(Ordered Printed)  
Sent up for concurrence.

#### Liquor Control

Bill "An Act to Allow Municipalities and County Commissioners in Unincorporated Places to Grant or Deny Applications for Liquor Licenses" (H. P. 712) (Presented by Mr. Norris of Brewer) (Cosponsor: Mr. Rideout of Mapleton)

(Ordered Printed)  
Sent up for concurrence.

#### Business Legislation

Bill "An Act Relating to Regulation of Traveling Shows" (H. P. 713) (Presented by Mr. Burns of Anson)

Committee on Legal Affairs was suggested.

On motion of Ms. Clark of Freeport, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

#### Local and County Government

Bill "An Act to Give Counties Power to Assess and Collect Their Own Taxes" (H. P. 714) (Presented by Mr. Burns of Anson)

(Ordered Printed)  
Sent up for concurrence.

#### Marine Resources

Bill "An Act Concerning Setting of Seines and Nets Near Weirs" (H. P. 716) (Presented by Mr. Bunker of Gouldsboro)

Bill "An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish" (H. P. 715) (Presented by Mr. Blodgett of Waldoboro) (Cosponsor: Mr. Howe of South Portland)

(Ordered Printed)  
Sent up for concurrence.

#### Natural Resources

Bill "An Act to Repeal Certain Provisions Regulating Log Driving" (H. P. 717) (Presented by Mr. Burns of Anson)

(Ordered Printed)  
Sent up for concurrence.

#### Public Utilities

Bill "An Act to Amend the Charter of the Augusta Sanitary District" (Emergency) (H. P. 718) (Presented by Mr. Bustin of Augusta)

Bill "An Act to Regulate the Placing by Non-utilities of Electric Utility Facilities within Public Ways" (H. P. 719) (Presented by Mr. Burns of Anson)

Bill "An Act to Amend the Authorization to the Plantation of Matinicus to Establish an Electric Generating Facility" (Emergency) (H. P. 720) (Presented by Mrs. Post of Owls Head)

(Ordered Printed)  
Sent up for concurrence.

#### Tabled and Assigned

Bill "An Act Concerning Municipal Transit Districts" (H. P. 721) (Presented by Mr. Rollins of Dixfield) (Cosponsor: Mr. Jensen of Portland)

Committee on Public Utilities was suggested. (On motion of Mr. Jensen of Portland, tabled pending reference and tomorrow assigned.)

#### State Government

Bill "An Act to Provide for Legislative Confirmation of Gubernatorial Nominations to the Maine Human Services Council" (H. P. 723) (Presented by Mr. Goodwin of South Berwick)

Bill "An Act to Establish the Salary of State Legislators" (H. P. 725) (Presented by Mr. Davies of Orono)

Resolve, to Convey Land from the State of Maine to Clarence E. Nichols (H. P. 726) (Presented by Mr. Stubbs of Hallowell)

Resolve, to Authorize the Conveyance of Land from the State of Maine to Wilfred A. Cyr (H. P. 727) (Presented by Mr. Stubbs of Hallowell)

(Ordered Printed)  
Sent up for concurrence.

#### Later Today Assigned

Bill "An Act Exempting Solar and Wind Energy Equipment from the Property Tax" (H. P. 728) (Presented by Mr. Davies of Orono)

Committee on Taxation was suggested. (On motion of Mr. Davies of Orono, tabled pending reference and later today assigned.)

#### Taxation

Bill "An Act to Discourage Land Speculation by Imposition of a Tax on Gains from the Sale of Land" (H. P. 729) (Presented by Mr. Davies of Orono) (Cosponsor: Mrs. Post of Owls Head)

Bill "An Act Repealing the Requirement that a Buyer or Seller of Real Property must file a Declaration of Value with the State Tax Assessor" (H. P. 730) (Presented by Mr. Kerry of Old Orchard Beach) (Cosponsor: Mr. Kelleher of Bangor)

Bill "An Act to Raise the Tax on Beer, Wine and other Alcoholic Beverages to Provide Funds for the Operation of Alcoholic Treatment Facilities, the Establishment of Education and Treatment Programs for Alcohol Abusers Convicted of Operating under the influence and other Minor Crimes and the Establishment of a Program of Substance Abuse" (H. P. 731) (Presented by Mrs. Post of Owls Head)

(Cosponsors: Mr. Norris of Brewer, Mr. Curran of South Portland, Mr. Brenerman of Portland)

Bill "An Act to Revise the Maine Tax Structure" (Emergency) (H. P. 732) (Presented by Mr. Morton of Farmington) (Cosponsors: Mr. Teague of Fairfield, Mrs. Najarian of Portland, Mr. Brenerman of Portland)

(Ordered Printed)  
Sent up for concurrence.

#### Transportation

Bill "An Act to Provide that Owners of Expired Motor Vehicle Registrations and Inspection Stickers be Allowed a One-month Period of Grace" (H. P. 733) (Presented by Mr. Stubbs of

Hallowell) (Cosponsor: Mr. Bustin of Augusta)

Bill "An Act to Exempt all Wreckers from the Law Relating to Studded Tires" (H. P. 734) (Presented by Mr. Berry of Buxton)

Bill "An Act Relating to Motor Vehicle Registrations of Handicapped Persons" (H. P. 735) (Presented by Mr. Higgins of Scarborough)

(Ordered Printed) Sent up for concurrence.

#### Veterans and Retirement

Bill "An Act to Restore the Retirement Formula Provision for Law Enforcement Officers of the Department of Marine Resources" (H. P. 736) (Presented by Mr. Bunker of Gouldsboro)

(Ordered Printed) Sent up for concurrence.

#### Study Report

##### Committee on State Government

Mr. Stubbs from the Committee on State Government to which was referred the study relative to policy-making positions in state government, pursuant to H. P. 1776 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill, "An Act to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Department and Agencies" (H. P. 671) (L. D. 729) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on State Government, ordered printed and sent up for concurrence.

#### Orders

An Expression of Legislative Sentiment (H. P. 670) recognizing that: The Girls' Basketball Team of Allagash High School has won the State Class D and Eastern Maine Championships. (Presented by Mr. Martin of Eagle Lake) (Cosponsor: Mr. McBreairty of Perham)

The Order was read.

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

Mr. MCBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: Two things make it appropriate that I cosponsor and congratulate the team and coach and speak briefly on this order.

I was born in Allagash in a log cabin on the bank of the St. John River, and 14 of the total Allagash girls basketball squad of 17 are relatives of mine.

Allagash, unlike other towns on the upper St. John River, are English-Irish descent. The lure of the big pine brought the first settlers to Allagash in the early 1800's. The girls on the Allagash team are direct descendants of the early settlers.

The population of Allagash is 456. The total enrollment in the Allagash High School, grades 9 through 12, is 34 students. It takes practically every student in the school to make up the boy's and girl's basketball teams and cheerleading squad. Allagash has proved one thing to the State of Maine the last two years, a school does not have to be big to produce state champions.

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

An Expression of Legislative Sentiment (H. P. 672) recognizing that:

The Dirigo High School Girls' Basketball Team has won the State of Maine Class C Championship for the Academic Year 1977

Presented by Mr. Rollins of Dixfield.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: Representative McBreairty is certainly a hard act to follow. I can't claim so many relatives on the Dixfield

team, but I do want to say that we are very proud of them in Dixfield. We are hoping they can continue another year and come back again. (Applause)

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I personally want to congratulate this team, because to get this trophy they have today, they had to beat a very good team from my district, District 31 in Howland, which was one of the better teams in the State of Maine, so in order for them to get this, they had to beat this team from my home town, which is a very good team, and I personally want to congratulate them.

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

#### House Reports of Committees Leave to Withdraw

Mrs. Boudreau from the Committee on Election Laws on Bill "An Act to Provide for Filing Fees in Lieu of Signatures on Nomination Petitions" (H. P. 81) (L. D. 101) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Ought to Pass with Committee Amendment Tabled and Assigned

Mr. Mackel from the Committee on Taxation on Bill "An Act to Remove Service Facilities from Tax Exemption Granted to the Maine Turnpike Authority" (H. P. 42) (L. D. 59) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-57)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-57) was read by the Clerk.

(On motion of Mrs. Post of Owls Head, tabled pending adoption of House Amendment "A" and specially assigned for Tuesday, March 15.)

#### Consent Calendar First Day

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

(H. P. 48) (L. D. 69) Bill "An Act Relating to Conferring Degrees by Husson College" (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-55)

(H. P. 173) (L. D. 211) Bill "An Act to Provide for Legislative Review and Automatic Termination of State Agency Rules" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-56)

No objection being noted, the above items were ordered to appear on the Consent Calendar of March 10 under listing of Second Day.

#### Tabled and Assigned

(S. P. 36) (L. D. 44) Bill "An Act Relating to Abatements by Municipal Tax Assessors" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-24)

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

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-24) was read by the Clerk.

On motion of Mrs. Post of Owls Head, tabled pending the adoption of Committee Amendment "A" in concurrence and specially assigned for Tuesday, March 15.

#### Consent Calendar Second Day

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

(S. P. 105) (L. D. 234) Bill "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979"

(H. P. 68) (L. D. 98) Bill "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly" (C. "A" H-54)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence, and the House Paper was passed to be engrossed and sent up for concurrence.

#### Passed to Be Engrossed

Bill "An Act Eliminating the Requirement of January Annual Meetings by the Parishes of the Protestant Episcopal Churches of the Diocese of Maine" (H. P. 331) (L. D. 422)

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: You perhaps recall yesterday morning that the good gentleman from Livermore Falls, Mr. Lynch, raised a question about the desirability of the legislature acting on matters pertaining to certain national churches or religious organizations in the state. I indicated that I would perhaps draft an amendment that would completely repeal the requirement for any church or this particular church to come to the legislature any time it wanted to have a change to its so-called charter. After doing a little bit of work on this, I find yesterday that this is perhaps a bit more complicated than I had realized, as the gentleman from Portland, Mr. Connolly, had suggested.

I contacted the Episcopal Church, the diocese here in the State of Maine, and I think their feeling also is that they would prefer to see some changes made eventually that would not require them to come to the legislature every time they want to make a change.

I have asked the committee assistants of the Legal Affairs Committee to draft an order having the Legal Affairs Committee examine this entire issue this coming year and report back to the legislature next year. In the meantime, I do hope the legislature would see fit to enact this bill, inasmuch as this particular church has requested it.

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

#### Amended Bill

Bill "An Act Relating to the Distribution of Statutes and Session Laws" (S. P. 210) (L. D. 620) (S. "A" S-23)

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

At this point, a message came from the Senate, borne by the Majority Floor Leader, Senator Speers of Kennebec, proposing a Convention of both branches of the Legislature to be held at 10:30 a.m. in the Hall of the House for the purpose of extending to Chief Justice Armand A. Dufresne Jr. and the Supreme Judicial Court an invitation to attend the Convention and to make such communication as they may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 10:30 a.m. and the Speaker appointed Mr. Tierney of Lisbon Falls to convey this message to the Senate.

Subsequently, Mr. Tierney of Lisbon Falls reported that he had delivered the message with which he was charged.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

#### In Convention

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Collins of Knox, it was ORDERED, that a Committee be appointed to wait upon the Honorable Armand A. Dufresne Jr., Chief Justice of the Supreme Judicial Court and the Justices of the Supreme Judicial Court to inform them that the two branches of the Legislature are in Convention assembled ready to receive such communication as pleases them.

The Chairman appointed:

Senators:

COLLINS of Knox  
CURTIS of Penobscot  
MANGAN of Androscoggin

Representatives:

SPENCER of Standish  
GAUTHIER of Sanford  
HOBBINS of Saco  
BENNETT of Caribou  
HENDERSON of Bangor  
HUGHES of Auburn  
NORRIS of Brewer  
BYERS of Newcastle  
DEVOE of Orono  
TARBELL of Bangor

Senator Collins, for the Committee, subsequently reported that the Committee had delivered the message with which it was charged and that the Honorable Chief Justice and Associate Justices of the Supreme Judicial Court were pleased to say that they would forthwith attend the Convention.

At this point, the Honorable Chief Justice and Justices of the Supreme Judicial Court entered the Convention Hall amid the applause of the Convention, the audience rising.

The Honorable Chief Justice of the Supreme Judicial Court, Armand A. Dufresne, then addressed the Convention as follows:

Mr. President, Mr. Speaker, Associate Justices of the Supreme Judicial Court, and Honorable Members of the One Hundred and Eighth Legislature:

It was my privilege, which I deeply appreciated as Chief Justice and head of the Judicial Branch of Government, to join with the Governor of Maine and the members of the 107th Legislature in joint convention to take part in the commemorative ceremonial exercises on the occasion of the bicentennial anniversary celebration of the birth of our nation. Those of you who were here heard me proclaim it was with just pride that we were displaying to the world in the year 1976 a showcase of achievements greater than what any nation was ever able to put together in the short space of 200 years.

You can rest assured that, in the forefront of these achievements, I counted the Court Administration Act of 1975 enacted by the 107th Legislature one of the greatest legislative breakthroughs concerning the Judicial Department as was effected in one hundred and fifty years of statehood.

My address, however, if you recollect, was interspersed with thoughts of existing vigorous turbulences in our economy as in the sphere of moral values. But, I was not aware at the time that our implementation of the Legislature's Court Administration Act would generate at year's end, and very prematurely indeed, the serious confrontation which a blind resistance to the requirement of administration mandated by this body did bring about. It is no wonder that in the aftermath of such events a certain amount of confusion has arisen and many members of this Legislature thirst for information.

Thus, as Chief Justice of the Supreme Judicial Court of Maine, I hasten to express the sincere thanks of the Judiciary of Maine to all

the members of the 108th Legislature, and especially to your officers, the Honorable Joseph Sewall, President of the Senate, and the Honorable John L. Martin, Speaker of the House, for your kind and timely invitation to the Chief Justice to address this joint convention on current events in the Judicial Department.

This suggests that I talk with you today about two problems facing our court system. There are others, for we are far from achieving perfection, but the problems of continuing our present system of court administration and providing adequate compensation for the judges who work in the system are most pressing and serious.

We are presently operating with the provisions of an administrative concept given to us by the 107th Legislature which began to take shape in the early fall of 1975 and has been in full operation for approximately 16 months. Funding for this operation was made possible through a grant of federal funds which will expire at the end of this fiscal year.

You should be aware that the entire personnel structure involves ten positions, two of which were formerly part of the office of the Administrative Assistant to the Chief Justice, and they consist of a State Court Administrator, four regional court administrators, a chief clerk of courts, a fiscal officer, two special program individuals and one secretary.

The effort to achieve some orderly change in the operation of the courts was not quick or easy. The past decade saw the case load expand far beyond the capacity of the system to deal with it, using in the disposition of both criminal and civil matters the casual and informal methods that had existed when we still thought of ourselves as a rural state, far from the problems that existed in the metropolitan states.

The late Chief Justice Robert B. Williamson saw the problem coming and supported legislation which provided the funds for a study of the Superior Courts and recommendations for changes for the efficient operation of the courts. Such a study was made by a professional institution of national stature and experienced in court reorganization. Its report contained recommendations substantially in the form of the administrative program we have now. No action resulted there, presumably because of constrictions in available funding.

The Court Administration Act was not a spur-of-the-moment decision. It came about as the result of another study of the Superior Court authorized some four years ago by the Legislature. Under the guidance of the Trial Court Revision Commission chaired by the Honorable Joseph E. Brennan, our present Attorney General, a former member of the Senate and County Attorney in and for the County of Cumberland, this study, which involved extended investigation and many hearings, with the help of another professional organization of national reputation again recognized the inability of the Superior Court to handle the increased case load. As had the previous study, the Trial Court Revision Commission concluded that the judges of the Superior Courts could not be administrators and judges at the same time and recommended to the 107th Legislature, among other things, a program of trained administrators to work behind the courtroom to achieve a method of getting the cases to trial in the courtroom without unnecessary delay. It is the unanimous opinion of the Justices of the Supreme Judicial Court that we are achieving that result. The administrative system is a success. We want it and urge upon you its continuation by appropriate legislation.

I know that judicial reform through administration is a very difficult undertaking and does not come easy. But, administration is, and should be, the heart and brains of any organiza-

tion, whether it be in the commercial or industrial world, in the governmental sector or in the courts.

The medical profession long ago recognized the importance of trained hospital administrators to serve as chief executive officers dealing with management and providing efficient utilization of all resources available to the institution. Court administrators, as hospital administrators in the medical field, bring to the judicial system that expertise necessary to guarantee full and economical use of all court resources, while at the same time relieving judges to perform their basic responsibility of dispensing justice by hearing cases and reaching a judgmental conclusion.

The business world has prospered under policies implemented by knowledgeable business executives and managers. All areas of human activity have had to deal with the realities of a progressive society and have discarded archaic modes of operation where scientific managerial expertise required their abandonment.

I am aware of a movement to deny the court the necessary funding for our present administrative program or to substitute a different administrative program. I ask this legislative body to give our current system a fair trial. It is not fair or reasonable to judge a complex operation such as this in so short a time. Certainly there are some who are not satisfied. But isn't the real test, what results have been obtained in these 16 months for the better and more efficient administration of justice in this State? Let me relate what I know has been accomplished in this short time.

As a direct result of our present administrative program, Justices at the Superior Court level spend practically all their time working as judges and need concern themselves only occasionally and minimally with administrative details. More judge time has been provided in all counties of the State, with trial sessions everywhere on a monthly basis. Criminal cases oftentimes are being disposed of within 60 days from the date of the crime. A recent homicide was concluded within 85 days.

I have been assured that the criminal case dockets in all counties are now on a current basis. This is a major improvement in what was a serious backlog problem and makes our standard of speedy trial more than mere words.

On the civil side, cases are moved expeditiously by our administrative personnel and civil trials today can be had practically on demand. Trial calendars are prepared well in advance of trial. Lawyers and clients now receive notice of a trial calendar two or three weeks before trial as opposed to two or three days under the old methods.

In other words, backlogs have disappeared. The courts are current. Speedy trials, criminal or civil, are now the rule rather than the exception. The offices of the Clerks have been updated to provide efficient service and regional administrators constantly monitor their day-to-day performance so as to maintain the highest quality of service in the process of litigation.

I am thoroughly pleased with the great accomplishments achieved by our administrative team in the short space of time they have been on the scene. We have areas where we will have to rethink our procedures, our policies on what we call a "trailing docket." The assignment of motion hearings and the requests for continuances have caused dissatisfaction with some portion of the Bar; we will be searching for answers to relieve this dissatisfaction.

The present attack upon the system is devoid of any substantial basis. The theory that the state of progress in the Superior Court operation is due to causes other than our present administrative program betrays in the analyst cataractal vision. The great majority at the bar

have expressed satisfaction with the results obtained in its first year of operation.

Let me note at this point that the Chiefs of Police Association has adopted a resolution favoring implementation of administrative policies at all levels of the Judiciary, including the District Court. Chief Judge Danton and myself do agree that administration in the District Court is much needed and it is understood that we will get together in the near future to consider priorities to be undertaken and the scope of managerial advice and aid to be provided to that Court.

A unified system of administration in the Judicial Department is a necessity. The One Hundred and Seventh Legislature expressed a clear intent that Judges should be kept on the Bench and that court administration in all its details be left to persons skilled in that specialty. Any radical change in the recently enacted court administration legislation without the benefit of a full study by knowledgeable experts in the field would, I predict, administer a deadly blow to the improved status of our Superior Courts in the State. It would deprive our District Court system of modern methodologies necessary to improve the present day operation at that level of the Judiciary.

Tight central financial controls and centralized budgeting have been introduced into the system. I can report to you that the courts are now being run on a business-like basis. They must continue to so operate if the people of the State of Maine are to be properly served by their judicial system.

Without our State Court Administrative Office as presently constituted, the court system would again degenerate into 16 more or less independent systems, with little or no coordinated administrative policies, but with all the obvious deficiencies of an antiquated judicial mechanism.

Let me say, however, that the State Court Administrative Office is not autonomous. It works under the close guidance of the Chief Justice, the Supreme Judicial Court and the four regional Presiding Justices, with all administrative policies finalized at the Supreme Judicial Court level.

I could go on at length citing statistic after statistic in support of the system. I am proud of the system. It has worked. It has achieved the goals which you who were members of the One Hundred and Seventh Legislature set for it.

The system must be preserved if we are to continue delivering fair and expeditious justice to our fellow citizens.

I urge your help in preserving and funding our present court administrative system.

As your Chief Justice, I would be derelict in my duties if I did not take this opportunity to speak to you about judicial salaries.

You and I and all citizens of our State share the ignominious distinction of paying our judges less than any of the other 49 states. This is a penny wise — pound foolish approach which must not be allowed to continue.

Our judges in the State of Maine perform essentially the same duties as their counterparts in the other states. The size of the state has no relationship to the nature of the function, the degree of the responsibility, and the degree of the professional competence required of judges.

The wide disparity of judicial salaries in neighboring states of equal or smaller size is not only an anomaly to the casual observer, but is a very detrimental factor to the morale of the judges. Why should the difference in judicial compensation be over \$10,000 when compared with judicial salaries paid in little Rhode Island? Why can our competitor New Hampshire top our judicial salaries by over \$8,000?

It seems to me that we must place the question of judicial salaries into its proper context. A judge is expected on a daily basis to solve people's problems, to maintain an even-tempered approach in so doing, and to be accurate in his application of the law. The judiciary must solve the most troublesome of society's legal problems, whether it be at the trial level or at the appellate stage. The people expect that the judge will bring to bear a good deal of common sense and an equally great amount of knowledge.

If the judiciary is to continue to maintain its position, it must continue to attract competent, knowledgeable and dedicated judges. The inadequacy of judicial salaries in the State of Maine is a serious threat to the sound administration of justice.

The menace to the public welfare is the more alarming because it is insidious. The reality of danger is easily concealed behind superficially appealing, but basically deceptive, generalizations such as:

"despite low salaries Maine has never lacked for good judges,"

or —

"there are still plenty of good people who want to be judges."

A great responsibility rests with leaders and representatives of the people, as the trusted guardians of the public welfare, to ensure that the matter of the adequacy of judicial salaries shall not be settled by tendencies toward "lowest common denominator" availability.

A starting point for the appropriate analysis of equitable judicial salaries is the nature and function of the judiciary. The Judicial Department is established by the Constitution as one of the three co-equal ultimate departments of our government. Each day judges make decisions which concern, or vitally affect, every significant facet of the lives of the individual citizens, their social, economic and political intercourse, their institutions, and the very structure of government itself. Indeed, the judiciary by constitutional design is the independent central key to the preservation of our constitutional system itself.

Idealistically speaking, the people should recognize their duty to deal fairly with the members of the courts who have accepted duties of such enormity, and they should acknowledge the fact that inequitably low judicial salaries diminish the prestige constitutionally intended to attach to the judiciary as the third co-equal department of government and denigrate the value of judicial service.

At the functional level, if the great trust reposed in the judiciary is to be discharged in a manner commanding the esteem, respect and confidence of the people, the character of judges must be exemplary, their technical competence high, their temperament even, their judgment sound and their wisdom profound.

The inquiry as to the adequacy of judicial salaries becomes, essentially:

What salary level is necessary and fair to guarantee that persons qualified as above described will accept judicial office and, once in office, will continue to serve with dedication and high morale for a period sufficiently long to afford the people the full benefits which derive from a judiciary both fully qualified and highly experienced?

We may acknowledge that in the past many persons with the qualifications we should demand for our judges have been motivated to accept, and retain, judicial office even though by reason of their choice they undertook and were required to endure financial sacrifices, often substantial. In some degree, perhaps, it will always be so. After all, financial reward never was and never should be the predominant motivation for judicial service. The supplementary "psychic income", so-called, which flows

from the prestige and power of the office of judge and the challenge and satisfaction of judicial work also plays a part in one's acceptance of judicial office.

If financial reward must not be the primary inducement to the acceptance of judicial office, neither should the government rely on any individual or group to make financial sacrifices to assist in the subsidizing of governmental functions which all the people have obligation to provide. Neither the people, nor their legislative representatives, should impose a level of financial sacrifice which causes persons of excellence to refuse to become judges, or, if they have undertaken judicial service, may induce them to leave it either prematurely or, even worse, to quit after having become well experienced in the office.

The hard truth is that the stress of economic conditions of the past decade, combined with the low level of judicial salaries in Maine, has forced a large number of judges to reduce their living standards, or substantially to invade savings, or otherwise to deplete their capital resources or even to incur heavy indebtedness to keep going. By contrast, during the same period the private sector has developed remarkable opportunities both for financial reward and psychic satisfaction, opportunities which have been and remain open and highly attractive to those persons possessing the qualities we should demand for our judges if we do not want a second rate judiciary.

The dangers are particularly acute as to persons 40 to 55 years of age. The qualified persons in this age group are ideal to become judges. Capable of giving 15 or more years of service, they can provide the public the most for its money, and, as individuals, they have opportunity to achieve a fullness of experience — usually estimated at 5 to 10 years, even for the most qualified — to make truly outstanding judges. Yet, it is precisely those lawyers in the 40 to 55 years of age range who generally can least afford to become judges. They have children to educate as well as other heavy financial obligations. And the years 40 to 55 tend to be those in which earning power is highest and the opportunity greatest to capitalize on it in the private sector. For one in this age group to become a judge when salary levels are inadequate, unless the person enjoys the blessing of substantial independent wealth, entails enormous financial sacrifice, possibly even hardship.

It is becoming most difficult to attract qualified judges when our governor must ask successful attorneys to take salary cuts twice or three times the judicial salary upon appointment to the Bench.

Also serious is the predicament of judges already sitting. In general, when they entered upon judicial service, they had made an initial financial sacrifice. Hopefully, too, when they became judges, they looked upon their judgeships as relatively permanent careers and made a long-term commitment to service. Unless one is fortunate enough to have substantial independent wealth, the economic stringencies of the past decade, in conjunction with the low level of judicial salaries, have further aggravated the financial sacrifices originally made upon acceptance of judicial service.

Should salaries remain at an inequitably low level, judicial morale will deteriorate. Resignations or retirements earlier than necessary may be expected. Simultaneously, persons with the outstanding qualifications we want in our judges will be deterred from accepting judgeships at an age when the State can derive the greatest benefits from their services.

It displeases me to say so, but we must realize that the Judiciary in Maine has for the most part been treated as a step-child, enjoying in dollar appropriation hardly more than one

half of one percent of the total state budget, while the average accepted proper proportionate budget appropriation for the Third Branch of Government throughout the Nation is about four percent.

It is high time that the citizens of Maine recognize their obligation under the Constitution and that all of you, as their representatives, carry out your own duties under the same Constitution and provide adequate compensation to the Judiciary of Maine.

We must all have in mind that the State of Maine in the long run will only get in judicial values what the State pays for.

May I conclude by saying that my colleagues and myself will continue to carry on our constitutional duties to the best of our ability, that we appreciate very deeply this opportunity to present to you, as on solemn occasion, our urgent call for your total collaboration on the two referenced topics which I have discussed with you. I wish to think that my oration in this legislative hall has met with your wholehearted approval. Convinced in my own mind that our problems will be given serious consideration, I wish for my colleagues and myself to bid you good day, filled with the hope that our collective voice has not been sounded in vain. (Prolonged applause)

The Chief Justice and Associate Justices of the Supreme Judicial Court withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved.

The Senate then retired to its Chamber, amid applause of the House, the members rising.

#### In the House

The House was called to order by the Speaker.

#### Passed to Be Enacted Emergency Measure

An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1977 (S. P. 238) (L. D. 728)

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

By unanimous consent, ordered sent forthwith.

#### Emergency Measure

Reconsidered An Act Authorizing Municipalities to Raise or Appropriate Money for a Consumer Action Program (H. P. 7) (L. D. 17) (C. "A" H-6)

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

On motion of Mr. Kelleher of Bangor, 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-59) 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 in non-concurrence and sent up for concurrence.

## Orders of the Day

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

Bill "An Act to Amend the Statutes Relating to Airmobiles" (H. P. 527) (L. D. 657) In House, referred to Committee on Natural Resources. In Senate, referred to Committee on Fisheries and Wildlife in non-concurrence.

Tabled — March 8, 1977 by Mr. Blodgett of Waldoboro.

Pending — Motion of Mr. MacEachern of Lincoln to recede and concur.

Mr. Blodgett of Waldoboro requested a vote on the motion to recede and concur.

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

A vote of the House was taken.

Whereupon, Mr. MacEachern of Lincoln 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 Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will go along with my motion to recede and concur. All the existing statutes in reference to airmobiles that we have now come under Title 12, which is the section where fisheries and wildlife law is. Any enforcement of any airmobile law would have to be done by the Fisheries and Wildlife Department.

I wish you would go along with my motion.

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

Mr. BLODGETT: Mr. Speaker and Members of the House: I would urge you to vote against this motion and then to vote to adhere to our earlier position.

This is an environmental measure that has to do with how it affects the environment. The bill is in here in order to allow a business to do some testing to be able to operate these machines. They are a piece of equipment that most people are not going to be out traveling around the countryside in, and right now we are not going to have to worry much about the people enforcing this.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker and Members of the House: The airmobile is an all-terrain vehicle, an ATF. This vehicle is used for study in some cases and it also can be used for recreational purposes. Since it is an ATF vehicle, it falls in the same category as such things as a snowsled, other vehicles which traverse the wildlands and so forth, bodies of water, of this state. Therefore, since it would come under the jurisdiction of the Fish and Game Department, the laws should come from the Fish and Game Committee, should be considered by Fish and Game.

I would like you to vote to recede and concur.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

## ROLL CALL

YEA — Aloupis, Ault, Austin, Beaulieu, Bennett, Birt, Brown, K. C.; Bunker, Burns, Byers, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Connors, Connolly, Cunningham,

Devoe, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Gill, Gillis, Gould, Higgins, Immonen, Joyce, Laffin, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, MacEachern, Marshall, Masterman, Masterton, Maxwell, McHenry, McKean, McPherson, Mills, Morton, Nadeau, Nelson, N.; Norris, Pearson, Peterson, Rideout, Shute, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Theriault, Torrey, Tozier, Trafton, Twitchell, Whittmore.

NAY — Bachrach, Bagley, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Chonko, Clark, Cote, Cox, Curran, Davies, Dexter, Diamond, Dow, Dudley, Elias, Fowlie, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, Jensen, Kane, Kany, Kelleher, Kilcoyne, LaPlante, LeBlanc, Lynch, McBreairty, McMahon, Mitchell, Moody, Najarian, Nelson, M.; Palmer, Peakes, Peltier, Post, Prescott, Quinn, Raymond, Rollins, Silsby, Spencer, Talbot, Teague, Tierney, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bustin, Gauthier, Jalbert, Kerry, Mackel, Mahany, Martin, A.; Perkins, Truman. Yes, 68; No, 73; Absent, 9; Vacant, 1.

The SPEAKER: Sixty-eight having voted in the affirmative and seventy three in the negative, with nine being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act Relating to Public Utility Gas Pipelines" (H. P. 652) (Committee on Public Utilities suggested)

Tabled — March 8, 1977 by Mr. Kelleher of Bangor.

Pending — Reference.

Thereupon, on motion of Mr. Kelleher of Bangor, the Bill was referred to the Committee on Natural Resources, ordered printed and sent up for concurrence.

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

An Act Relating to Licensing of Theaters and Motion Picture Houses (S. P. 152) (L. D. 269)

Tabled — March 8, 1977 by Mr. Curran of South Portland.

Pending — Passage to be Enacted.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage to be enacted and specially assigned for Tuesday, March 15.

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

An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems (H. P. 99) (L. D. 123) (H. "A" H-35)

Tabled — March 8, 1977 by Mr. Quinn of Gorham.

Pending — Passage to be Enacted.

On motion of Mr. Quinn of Gorham, retabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act to Clarify Procedures Concerning the Issuance of General Obligation Bonds for Indian Housing Mortgage Insurance" (H. P. 594) (Committee on State Government suggested)

Tabled — March 8, 1977 by Mr. Pearson of Old Town.

Pending — Reference

On motion of Mr. Pearson of Old Town, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

Bill "An Act to Allocate \$50,000 for the Support of Northeast COMBAT Inc., in Order that it may Continue its Comprehensive Program of Service to Maine Consumers, including Individual Assistance, Education and Public Information" (H. P. 513) — Referred to the Committee on Business Legislation in the House on March 8 (Reference reconsidered on the same date)

Tabled — March 8, 1977 by Mr. Jalbert of Lewiston.

Pending — Reference.

On motion of Ms. Goodwin of Bath, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Performance Audit on Bill, "An Act to Provide Funds to the Department of Inland Fisheries and Wildlife" (H. P. 129) (L. D. 163)

Tabled — March 8, 1977 by Mrs. Berube of Lewiston.

Pending — Motion of the same gentlewoman to accept the Majority "Ought Not to Pass" Report.

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

Mr. DOW: Mr. Speaker and Members of the House: I hope you do not accept the Majority "Ought Not to Pass" Report, and I would like to give you a couple reasons.

This bill was from a study made by the subcommittee on Performance Audit in the 107th Legislature. Because of the time spent by the Department of Fisheries and Wildlife for matters other than nonrelated hunting and fishing matters, it was recommended by that subcommittee that an amount of money come from the General Fund. This subcommittee recommended that the Appropriations Committee look at the budget each year and appropriate a figure not to exceed 10 percent of the fish and wildlife budget.

As I say this was a recommendation by that subcommittee for this bill.

In the meantime, the Fish and Game Department set up a cost survey where they kept a record of their time spent and that sort of thing for wardens and biologists and for work other than non fish and game matters, like work for LURC and DEP and boat registration, snowmobiles, etc. Their time record shows that the wardens spent 10.4 percent of their time for these non fish and game matters.

I personally think it is time now for the legislature to look at this budget and to help the department with the general fund money, at least to be able to look at it and see if we can and should give them some money each year.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: In regard to this matter in my area, the Fish and Game Department has looked for a lot of drowned people who weren't drowned necessarily fishing. They have looked for a lot of people lost and spent a lot of manhours looking for people lost that weren't necessarily hunting, they were just looking at Mt Katahdin or something and they got lost. It costs a lot of money to look for these people, and it seems unfair to take it from the sportsmen of Maine when they were doing an unrelated job. There



are many of these jobs that have taken place in my area, so I am well aware of it, and I hope that some day soon we can do something about it.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: Referring to the amount of money that the Fisheries and Wildlife Department spends for duties other than those pertaining to wildlife activities, for instance, there was a young boy lost nearby here a short while ago, and the state allots from the General Fund, to the last of my recollection it was \$10,000 a year. For this one person that they searched for, it cost them \$23,000 that one year. That was for just one person that was lost. And most of these lost persons that they go out and search for aren't even connected to hunting and fishing activities.

Furthermore, the environmental part of their enforcement that they do, the last figure I had, it cost \$263,000 for this purpose, enforcing shoreland zoning, etc., and this shouldn't come out of the hunting license fees whatsoever. If we want to avoid another increase in hunting license fees and all the licenses that they issue, then it is about time that we began to realize that they have to have money from the General Fund.

I certainly hope that you folks would go ahead and accept the "ought to pass" report and defeat the "ought not to pass" motion that was made previously on the floor, because if not, maybe not this session, but next session we are going to come back and you are going to have to increase the hunting license fee from \$12.50 to \$15.50 at least, possibly more. When you do, this affects everyone in the State of Maine. So let's start to face the issue that they are enforcing laws that don't even pertain to the Fish and Wildlife Department.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope this body will not go along and dip into the General Fund for the Fisheries and Wildlife Department; they support themselves. I have always been of the impression that there are too many game wardens anyway protecting game when we should have more policemen, especially in sin city, protecting the streets of Portland where they really need protection, and the game department that spends so much protecting our animals up there and they are letting our streets with the murderers run loose, I think that when we start dipping into the General Fund, the people in Maine should certainly have something to say about that.

The Fisheries and Wildlife Department is self-supporting, the people who want to hunt in our woods and fish in our streams pay for that privilege. I know they pay dearly, and I believe that anyone over 65 years old should not have to pay for a license anyway, but the Fisheries and Wildlife Department are always crying that they need more money. If you could hear some of the stories that they can tell, especially on the bill that I presented, that it would have cost \$20,000 out of their budget, you would have thought that the \$30,000 would have broken that department.

I believe that we should be putting our money into police officers and less in fisheries and wildlife, and I certainly hope that you will not dip into the General Fund.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: About two weeks ago, there were four youngsters who strayed off from Sugarloaf Mountain and were lost overnight and the warden was in the party that rescued these young people. If it had been

another hour, they would have frozen to death. That has nothing to do with the funds that come from hunting licenses, subsidize that, but this certainly doesn't pertain to that part.

So I would hope that you would go along with the minority report today and allow the Appropriations Committee to look at the situation and make a fair evaluation, because the Department of Fisheries and Wildlife are doing many, many things that go beyond the scope of hunting and fishing. Certainly they do a lot of good work and as I say, I think it was two weekends ago there were two people lost from my area and there were two people who were lost from out-of-state that strayed off the mountain and the warden up there, with some other people, did discover the two youngsters and, as I say, another hour, they definitely would have been dead.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that you support the majority report, which was, by the way, a ten to two report in favor of "ought not to pass" that is.

In the minds of the members of the Performance Audit Committee, the Department of Inland Fisheries and Wildlife could not really justify their requests for additional funding from the General Fund. This department operates, by the way, at an annual surplus, and it seems to be doing quite well on its own. It was the feeling of the committee that we should not open up general funding for this department.

I might add that with their dedicated revenues, they always have on hand a cash balance of some \$800,000 annually. It was only during the month of October that it fluctuates downward just slightly, but they seem to be doing quite well. So I would ask that you support the majority "ought not to pass" report.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This surplus fund that my good friend Mrs. Berube has mentioned is more or less a surplus, because the funds do not start coming in, people do not buy hunting and fishing licenses usually until about July, maybe even later than that, and a great deal of these people don't buy hunting licenses and fishing licenses until along toward Fall because they are not interested in it until they are going to get ready to go early ice fishing or they are going to go hunting, the bird season, and these funds just don't come in. If they didn't operate with this surplus amount in their kitty, you would be funding them earlier, you would have more requests for money out of the General Fund, because it would be necessary to fund them until their money came in. It is no different than a municipality. They usually borrow money to operate on until they receive all their funds. This is the only surplus they carry. If we didn't have this, you would really be funding the Fish and Game Department.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago, this study that was conducted by the Performance Audit Committee, I was a member of that committee, and I would like to review somewhat the things that we did run into. We did at that time, as has been pointed out, review completely the philosophy of surplus and the necessities or requirements of having a surplus in a dedicated revenue department such as Fish and Game, it is a great deal different to the problem of other departments to face. The other large department in the state that operates on dedicated revenue is the Department of Transportation and it has a pretty much stabilized cash flow, but the cash flow in the Fish and Game Depart-

ment, as has been pointed out, varies a great deal.

The other thing relative to this that the department has always been apprehensive about is the situation in which the woods may have to be closed in the Fall, cutting off completely a flow of cash. This happened in 1947, and there was one other year recently when they had to close the season early. These are always problems the department faces and this is why they have desired to maintain this surplus. Basically, the surplus has not changed from year to year. As they gradually drop off in revenues, your surplus is going to find itself depleted.

I think there is adequate precedent for establishing the use of General Fund revenue combined with dedicated revenue. We have that in the State Police. Back many years ago, the legislature determined that part of the off duties of the State Police related to areas that were not truly covered by policing highways, and they have set up a form that has varied from time to time — the last 10 or 12 years at least — there has been a formula of 75 percent of the money to pay for the salaries of State Police which comes from the Highway Fund and 25 percent comes from the General Fund.

In recent years, in the study that we did and it is available, we found that they were picking up a great deal of extra duties which they normally didn't have to do, and the feeling was of the committee at that time that the sportsmen of the state should not have to pick up environmental policing. Applications coming into the Department of Environmental Improvement are invariably sent to the Fish and Game Department, if they affect lakes and ponds and streams, for an analysis by them. Wardens are assigned to review these applications and make recommendations which eventually fall back to the Environmental Improvement Commission relative to the granting of the licenses.

These are all areas that are found to have taken away from the wardens' duties. The search for lost persons is another one that might possibly have a court case being made out of it. The statutes, as I understand them, say that the General Fund will pay for any cost incurred by the Department of Fish and Game for search for lost persons, but for many years the legislature has not funded this properly. They have made a \$10,000 appropriation, which has come a long way from covering it. As has been pointed out, some of the costs involved in particular searches, probably the most expensive one occurred up in the northern part of the state some years ago when a couple of young people were lost, and the ultimate cost of that to the department was \$35,000. Yet, the cost of that and other searches incurred that year were reimbursed by only the sum of \$10,000.

I think we have got to face up to what is going to happen to the Fish and Game Department if we don't do something towards transferring funds or allowing funds from the General Fund to be transferred to the Department of Fish and Game.

I believe that there has been a good deal of comment in the papers about the increase in licenses. At the present time, it appears that the cost of licenses has reached the point of almost diminishing the terms. I think that there is a real need to face up to the problems of funding this department. The rejection of the "ought not to pass" report would be, I feel, a proper move at this time and then accept the minority "ought to pass" report.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I was on the committee too, and I would just like to point out one fact which has not been brought out so far, and that is that there are people from Fisheries and

Wildlife who do environmental protection and at the same time protect the fish and the animals in the woods; therefore, I consider it is to their benefit to do these things.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I signed the majority "ought not to pass" report on this bill, but I do believe the principle has merit and that the Fish and Game Department is doing a lot more than just taking care of the fish and game in the State of Maine.

There are a couple of things I would like to point out to you. One source of revenue that they have that does not come from the sportsmen is, for instance, if they are patrolling a lake and catch some people out in the boat that aren't fishing, just joy riding and don't have life preservers with them and they are fined \$25, that money does accrue to the Fish and Game Department and it doesn't come from sportsmen. The main reason I signed "ought not to pass" on this bill was the amount of money that should be included in the fiscal note as \$434,000; it is not on the bill and I don't believe it is available.

The SPEAKER: The pending question before the House is on acceptance of the Majority "Ought Not to Pass" Report. 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 acceptance of the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Boudreau, A.; Brennerman, Brown, K. C.; Byers, Carey, Carrier, Carroll, Carter, F.; Chonko, Clark, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Drinkwater, Dutremble, Elias, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Henderson, Hobbins, Howe, Huber, Hughes, Hutchings, Jalbert, Jensen, Kane, Kany, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lynch, Marshall, Masterton, McHenry, McMahon, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Palmer, Peakes, Peltier, Post, Prescott, Quinn, Raymond, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Talbot, Tarbell, Theriault, Tierney, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood.

NAY — Bagley, Bennett, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Bustin, Carter, D.; Churchill, Connors, Connolly, Devoe, Dow, Dudley, Durgin, Fenlason, Gillis, Hall, Hickey, Higgins, Hunter, Immonen, Jackson, Jacques, Joyce, Kelleher, Lougee, Lunt, MacEachern, Masterman, Maxwell, McBrearty, McKean, Mills, Norris, Pearson, Peterson, Rideout, Spencer, Stubbs, Tarr, Teague, Torrey, Tozier.

ABSENT — Burns, Gauthier, Gould, Kerry, Mackel, Mahany, Martin, A.; Nelson, N.; Perkins, Wyman.

Yes, 94; No, 45; Absent, 10; Vacant, 1.

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

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

Mr. WILFONG: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and would ask you all to vote against me.

The SPEAKER: The gentleman from Stow, Mr. Wilfong, moves that the House reconsider its action whereby it accepted the Majority

"Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

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

Sent up for concurrence.

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

Bill "An Act Concerning Fees of the Board of Chiropractic Examiners" (S. P. 231) (L. D. 735)

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

In the House, referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Establish a Program for the Basic Attainment of Skills in Children" (S. P. 243) (L. D. 734)

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

In the House, referred to the Committee on Education in concurrence.

Bill "An Act Requiring the Provision of Certain Information to Marriage Applicants by Municipal Officials" (S. P. 236) (L. D. 731)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act Relating to the Jurisdiction of the Administrative Court" (S. P. 241) (L. D. 733)

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

In the House, referred to the Committee on Judiciary in concurrence.

Bill "An Act to Increase the Permissible State Discount for the Sale of Liquor to Special Agency Stores to 15%" (S. P. 239) (L. D. 732)

Bill "An Act Relating to Signs of License over Alcoholic Beverages Stores" (S. P. 240) (L. D. 738)

Came from the Senate referred to the Committee on Liquor Control and ordered printed.

In the House, referred to the Committee on Liquor Control in concurrence.

Bill "An Act to Increase Salaries of the York County Judge of Probate, Register of Probate and Register of Deeds" (S. P. 235) (L. D. 737)

Came from the Senate referred to the Committee on Local & County Government and ordered printed.

In the House, referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Increase Reimbursement for Legislative Expenses" (S. P. 234) (L. D. 736)

Came from the Senate referred to the Committee on State Government and ordered printed.

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

Bill "An Act to Repeal the Personal Property Tax on Commercial Fishing Vessels and Equipment" (S. P. 233) (L. D. 730)

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

In the House, referred to the Committee on Taxation in concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Reduce the Cost of Electric Utility Services to Customers and Encourage Energy Conservation through Improvements in Electric Utility Rate Design" (H. P. 691) which

was tabled earlier in the day and later today assigned pending reference.

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

Mr. KELLEHER: Mr. Speaker, I move that this be referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I request a roll call.

There is in this legislature a Standing Committee on Energy, which is created to handle energy-related matters. The bill before us this moment is an energy-related matter. A real question can be raised as to whether it should go to the Public Utilities Committee or whether it should go to the Energy Committee, and I ask all of you to consider this matter very carefully.

The Public Utilities Committee is an extremely busy committee, it has had a number of bills referred already. The Energy Committee, due to the overlapping jurisdictions of various committees in this legislature is faced with the situation of having very few bills that are specifically energy related that do not cross over into the areas such as the public utilities area, natural resources, or taxation, but if this legislature is concerned about the matter of energy, and it certainly should be, since the population of this state has expressed time and time again that it is one of its highest priorities, then I suggest that this measure and other energy-related measures, despite the overlapping jurisdictions, be referred to the Committee on Energy so that these matters can be given the fullest attention, particularly pertaining to their energy relationships.

If you want the Committee on Energy to continue to exist, to serve a function for which it was created, then give it some bills so it can do its work.

I urge you to oppose the motion to send this bill to the Public Utilities Committee and when we have killed that motion, I will move that it be referred to the Committee on Energy.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If there is one thing that I certainly do not want, it is additional work for the Public Utilities Committee. However, this does deal in the area and the design and the intentions of the joint jurisdiction of the Committee on Utilities both in this House and the other body.

I spoke to the esteemed gentleman from Orono, Mr. Davies, concerning this bill, and I thought we had worked out our differences where in fact there would be an attempt, a sincere attempt on my part, Senator Cummings and the joint chairmanship of the Energy Committee, in holding a joint hearing on this bill. When I left the gentleman this morning, I was under the misguiding that there was a general agreement.

This bill, in my opinion, belongs in the Public Utilities Committee, and I would hope you would support my motion.

I understand the frustration the gentleman has serving on the Energy Committee, because I was a former member of that committee. I think if there was any member that kept that committee busy in the last two years, it is the gentleman standing before you this morning addressing you right now.

I believe this bill belongs in the Public Utilities Committee, and I would hope that this House would send it there.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I am also a member of the Energy Committee. It was not my first choice

for a committee, it was my second choice, but I was a member of that committee during the last session.

The committee did not deal with a lot of significant legislation during the last two years of this legislature, and it was a new committee created during the 107th Legislature. But so far this session, there have only been two bills, one today and one previous to today, that have been referred to the Committee on Energy. Every bill that deals with problems that are energy related also in some other fashion relate to taxation or to public utilities or to business regulation, and if that bill, when it comes before this body for reference, is a significant piece of legislation, it always ends up going to that other committee, whether it be the Public Utilities Committee or the Taxation Committee or the Business Legislation Committee.

The Energy Committee does not get significant bills, even though they deal with the subject of energy. I think the committee has to begin to get those kinds of bills for hearings, or else I for one am in a position — and I have discussed with both chairmen of the committee — to resign from that committee, and I think the legislature should consider abolishing the Energy Committee, because at this point, it is nothing more than a show. So, I would hope you would support the position of Mr. Davies.

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

Mr. BERRY: Mr. Speaker and Members of the House: I am speaking as a member of the Public Utilities Committee, and even more so than Mr. Kelleher. You will never see me fighting for a bill to come before a committee. However, we did have a bill that dealt with similar things that this one does, namely, time-of-day pricing, and we did do a study on that during the last session of the legislature and some of the members of the Public Utilities Committee are quite familiar with Time-of-day pricing, and I would think that this bill properly should go to the Public Utilities Committee.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I appreciate the argument that has just been laid before this body by the good gentleman from Buxton, Mr. Berry; however, when that same argument was used concerning a bill related to the pricing of gasoline, and the sale thereof for low cost, the argument carried no water in the other body, and a study that was conducted by the Energy Committee last year carried no weight and the bill was referred to the Business Regulation Committee. So I would say that whether it has been studied or not, this legislature has already demonstrated this year that it doesn't really matter too much which committee has been studying the measure, it is who has got the most votes. I suggest to you that this issue can be battered back and forth today for hours and hours if necessary, but it ultimately is going to come down to who has got the most votes.

I would urge you to seriously consider what Mr. Connolly has said. If you are not going to send us any bills, please put us out of our misery. There is no sense for us to continue attempting to do something on the subject of energy if we are going to have no cooperation at all.

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

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

The SPEAKER: The pending question is on

the motion of the gentleman from Bangor, Mr. Kelleher, that H. P. 691 be referred to the Committee on Public Utilities. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Beaulieu, Berry, Berube, Brown, K. C.; Bunker, Byers, Carey, Carter, D.; Carter, F.; Churchill, Connors, Cunningham, Durgin, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Hutchings, Immonen, Jackson, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Lunt, Lynch, Masterman, Masterton, Maxwell, McBreairty, McHenry, McPherson, Mills, Moody, Morton, Nadeau, Nelson, N.; Norris, Palmer, Pearson, Peterson, Raymond, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tozier, Whittemore.

NAY — Bachrach, Bennett, Benoit, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Carroll, Chonko, Clark, Connolly, Cox, Curran, Davies, Devoe, Dexter, Diamond, Drinkwater, Dutremble, Elias, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hobbins, Howe, Huber, Hughes, Hunter, Jacques, Jensen, Kany, LaPlante, LeBlanc, Locke, Lougee, Marshall, McKean, McMahon, Mitchell, Najarian, Nelson, M.; Peakes, Peltier, Post, Prescott, Quinn, Rideout, Rollins, Spencer, Stover, Talbot, Tierney, Torrey, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bagley, Burns, Bustin, Carrier, Cote, Dow, Dudley, Gauthier, Hickey, Jalbert, Littlefield, Lizotte, MacEachern, Mackel, Mahany, Martin, A.; Perkins, Twitchell, Tynedale.

Yes, 64; No, 67; Absent, 19; Vacant, 1.

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

Thereupon, on motion of Mr. Davies of Orono, the Bill was referred to the Committee on Energy, ordered printed and sent up for concurrence.

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

Mr. HICKEY: Mr. Speaker, my vote didn't register. I would like to vote yea on that.

The SPEAKER: Unfortunately, the vote has been recorded and announced.

Because the Chair has announced the vote, under the rules the Chair cannot change it and make additions to it or subtract from it, pursuant to the House and Senate rules.

The Chair laid before the House the following matter:

Bill "An Act Exempting Solar and Wind Energy Equipment from the Property Tax" (H. P. 728) which was tabled earlier in the day and later today assigned pending reference.

On motion of Mr. Davies of Orono, tabled pending reference and tomorrow assigned.

On motion of Mr. Dutremble of Biddeford, Adjourned until two o'clock tomorrow afternoon.