

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

Thursday, March 24, 1977

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

Prayer by the Reverend Jack Stewart of the Full Gospel Tabernacle Church, Lincoln.

The journal of yesterday was read and approved.

Papers from the Sneate

The Following Joint Order, An Expression of Legislative Sentiment recognizing that: The Boys' basketball team of Hampden, coached by Clinton Van Aken, has won the Eastern Maine Class "B" Championship for the Academic Year 1977. (S. P. 319)

Came from the Senate read and passed.

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

Bill "An Act to Require Posting of Prices of Certain Internal Combustion Engine Fuel" (S. P. 312) (L. D. 1032)

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 Provide Educational Benefits to Members of the Maine National Guard" (S. P. 310) (L. D. 1030)

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 to Provide Certified Interpreter Service for the Hearing Impaired" (S. P. 311) (L. D. 1031)

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

In the House, referred to the Committee on Human Resources in concurrence.

Bill "An Act to Establish the Right of Municipalities to Raise More as Well as Less Money in the Town Warrants" (S. P. 313) (L. D. 1033)

RESOLVE, to Extinguish Certain Debts Owed by Counties to the State of Maine (S. P. 315) (L. D. 1035)

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

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

Tabled and Assigned

Bill "An Act to Place the Office of Energy Resources in the State Planning Office" (S. P. 314) (L. D. 1034)

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

In the House, on motion of Mr. Davies of Orono, tabled pending reference in concurrence and specially assigned for Monday, March 28.

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

Committee on Human Resources on Bill "An Act to Require that Newly-Constructed or Reconstructed Public Buildings be Made Accessible to the Physically Handicapped" (S. P. 43) (L. D. 86) reporting "Ought to Pass" in New Draft (S. P. 307) (L. D. 969)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading the next legislative day.

Tabled and Assigned

Committee on Judiciary on Bill "An Act to Empower all Sworn Public Safety Department Personnel with Criminal Powers of Arrest" (S. P. 40) (L. D. 66) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Empower Liquor Inspectors with Limited Powers of Arrest" (S. P. 308) (L. D. 970)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read.

Mr. MacEachern of Lincoln moved the indefinitely postponement of the Bill and all accompanying papers.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The bill at question provides that state liquor inspectors shall have the power to arrest for offenses which are committed in their presence. The Judiciary Committee voted unanimously to grant such authority to the state liquor inspectors, and the reason that we did is that under the present situation, the liquor inspectors have all of the paraphernalia of state police officers. They are required to go to the Criminal Justice Academy, they are wearing uniforms which are essentially the same as the state police officers, except that they are green, and they find themselves in situations where they are wearing the uniform and a crime is committed in their presence and they do not have the power to make an arrest, except for a liquor offense. If they are at a county fair or something and there is a group of people that are in a brawl or fighting right in front of them, they are standing there in their uniform, which is essentially the same as the state police, and they can't do anything about it except to intervene as an ordinary citizen.

We have limited the liquor inspectors who would be granted this power of arrest to those who have completed the course at the Criminal Justice Academy, so those who became liquor inspectors before these courses were offered would not be granted the arrest power unless they went through the Criminal Justice Academy or were certified by the trustees of the Criminal Justice Academy as having had the equivalent training.

The liquor inspectors who are involved will therefore have essentially the same training and the same length of training as the county sheriff and municipal law enforcement officers. It seems that if we are going to put them in uniform and have them appearing in public as officers of the Department of Public Safety, to deny them the power of arrest for offenses that are committed in their presence is to create a situation which is extremely awkward to them and also creates false expectations in the public.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I don't feel that a uniform makes a police officer. You can put a uniform on a monkey. I am not insinuating that these people are monkeys, but they are not trained the way the state police officers are. They are not trained the way the local police officers are. They don't take the same courses at the Criminal Justice Academy that the state police do.

I talked with the deputy chief of state police this morning, and I asked him what his thoughts were on the bill. He knew nothing about it, but he did say that on the face of it he would probably oppose it. He did tell me that he would endeavor to get me some information before the first of the week, and for these reasons, I would hope that someone might table this matter for two legislative days.

Whereupon, on motion of Mr. Cote of

Lewiston, tabled pending the motion of Mr. MacEachern of Lincoln to indefinitely postpone and specially assigned for Tuesday, March 29.

Non-Concurrent Matter**Tabled and Assigned**

Bill "An Act Concerning the Advertising of Proposed Marine Resources Regulations" (H. P. 831) (L. D. 1004) which was referred to the Committee on Marine Resources in the House on March 15, 1977.

Came from the Senate referred to the Committee on State Government in non-concurrence.

In the House: On motion of Mr. Jackson of Yarmouth, tabled pending further consideration and specially assigned for Monday, March 28.

Non-Concurrent Matter**Tabled and Assigned**

Bill "An Act Concerning Open Alcoholic Beverage Containers in Motor Vehicles" (H. P. 83) (L. D. 103) which was passed to be engrossed as amended by Committee Amendment "A" (H-69) as amended by House Amendment "A" (H-77) thereto in the House on March 17, 1977.

Came from the Senate with Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

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

Mr. MARSHALL: Mr. Speaker, I move that we adhere and I further move that this be tabled for two legislative days.

Whereupon, Mr. MacEachern of Lincoln requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Millinocket, Mr. Marshall, that this matter be tabled pending his motion to adhere and specially assigned for Tuesday, March 29. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 32 having voted in the negative, the motion did prevail.

The following Communication: (S. P. 334)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

March 22, 1977

Honorable Joseph Sewall
President of the Senate
Honorable John L. Martin
Speaker of the House
Dear Joe and John:

This is to formally notify you that Wilma Addison Bradford was nominated to the Board of Environmental Protection today.

In accordance with M.R.S.A. Title 38, Section 361, as amended, this nomination is subject to review of the Joint Standing Committee on Natural Resources and to confirmation by the Legislature.

Thank you for your assistance.

Sincerely,

Signed:

JAMES B. LONGLEY
Governor

Came from the Senate read and referred to the Committee on Natural Resources.

In the House, the Communication was read and referred to the Committee on Natural Resources in concurrence.

Petitions, Bills and Resolves**Requiring Reference**

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

Appropriations and Financial Affairs

RESOLVE, to appropriate \$3,000 for the Kingman Fire Department in Kingman Plantation (H. P. 957) (Presented by Mr. Dudley of Enfield)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Clarify the Provision Relating to Late Payment of Insurance Claims" (H. P. 1023) (Presented by Ms. Clark of Freeport)

Bill "An Act Relating to Qualifications, Application and Issuance of a Plumber's License" (H. P. 1024) (Presented by Mr. Berry of Buxton)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools" (H. P. 1025) (Presented by Mr. Carroll of Limerick)

Bill "An Act to Provide Regional Reading Consultants under the Department of Educational and Cultural Services" (H. P. 1026) (Presented by Mr. Palmer of Nobleboro)

Bill "An Act Relating to the Establishment of a Revolving Account for Local Educational Assessment" (H. P. 1027) (Emergency) (Presented by Mrs. Mitchell of Vassalboro)

(Ordered printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Change the Deadline for Change in Party Enrollment in Order to Qualify for Voting in a Primary Election" (H. P. 1028) (Presented by Mr. Bustin of Augusta)

Bill "An Act to Require the Use of Voting Machines in Municipalities of More than 5,000 Population" (H. P. 1029) (Presented by Mr. Truman of Biddeford) (By Request)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning Ice Fishing for Bass" (H. P. 1030) (Presented by Mr. Henderson of Bangor)

Bill "An Act to Establish a Licensing Fee for Bow and Arrow Hunting and Fishing" (H. P. 1031) (Presented by Mrs. Mitchell of Vassalboro)

Bill "An Act Regulating Ice Fishing in the Various Counties" (H. P. 1032) (Presented by Mr. Dow of West Gardiner)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Concerning the Sale of Prescription Drugs" (H. P. 1033) (Presented by Mrs. Mitchell of Vassalboro)

Bill "An Act to Change the Name of the Bureau of Mental Retardation" (H. P. 1034) (Presented by Mr. Talbot of Portland)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Improve the Juvenile Judicial System by Authorizing Juvenile Court Intake Workers in the Department of Mental Health and Corrections" (H. P. 1035) (Presented by Mr. Henderson of Bangor)

Bill "An Act to Establish a Minimum \$100 Fine for Shoplifting" (H. P. 1036) (Presented by Mr. Bustin of Augusta)

Bill "An Act Providing that an Heir's Claim to Real Property Shall, in Certain Cases, Lapse After 50 Years from the Time his Claim Arose" (H. P. 1037) (Presented by Mr. Carroll of Limerick)

Bill "An Act Concerning the Criminal Penalty

for the Crime of Deceptive Business Practices" (H. P. 1038) (Presented by Mr. Marshall of Millinocket)

Bill "An Act to Clarify the Criminal History Record Disclosure Law" (H. P. 1039) (Presented by Mr. Devoe of Orono)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to Defining the Term 'Camp Counselor' Under the Minimum Wage Law" (H. P. 1040) (Presented by Mr. Dutremble of Biddeford)

Bill "An Act Relating to Eligibility Conditions under the Workmen's Compensation Laws" (H. P. 1041) (Presented by Mr. Gray of Rockland) (Cosponsors: Miss Brown of Bethel, Mr. Green of Auburn)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act to Exempt Store Owners from Criminal Liability where a Minor Purchases Alcoholic Beverages using a False Identification Card" (H. P. 1042) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Raising the Minimum Salaries of Deputy Sheriffs" (H. P. 1043) (Presented by Mr. Moody of Richmond)

Bill "An Act to Increase Probate Filing Fees" (Emergency) (H. P. 1044) (Presented by Mr. Talbot of Portland)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Remove the Commercial License of Smelt Fishermen" (H. P. 1045) (Presented by Mr. Blodgett of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

Indefinitely Postponed

Bill "An Act to Repeal Certain Provisions Prohibiting Otter or Beam Trawls in Washington County" (H. P. 1046) (Presented by Mr. Mills of Eastport)

Committee on Marine Resources was suggested.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I find myself in a very peculiar position on this bill. It is my bill, but it has been double printed. We already have this before our committee at the present time and is published for a hearing. I therefore move indefinite postponement.

Thereupon, on motion of Mr. Mills of Eastport, the Bill was indefinitely postponed and sent up for concurrence.

Public Utilities

Bill "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls" (H. P. 1047) (Presented by Mr. Laffin of Westbrook) (Cosponsors: Mr. Pearson of Old Town, Mr. Nadeau of Sanford, Mrs. Najarian of Portland)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Increase the Bond Limit of the Maine Guarantee Authority" (H. P. 1049) (Presented by Mr. Greenlaw of Stonington)

RESOLUTION, Proposing an Amendment to the Constitution to Require the Legislature to Convene in December after the General Election (H. P. 1048) (Presented by Mr. Greenlaw of

Stonington) (Cosponsors: Mr. Birt of East Millinocket, Mr. Curran of South Portland, Mrs. Masterton of Cape Elizabeth)

Bill "An Act to Prohibit Organizations from Lobbying if the Majority of Their Funds are Derived from the State of Maine or from the Federal Government" (H. P. 1050) (Presented by Mr. Truman of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Raise the Corporate Income Tax for Corporations Earning over \$100,000" (Emergency) (H. P. 1051) (Presented by Mr. Carey of Waterville)

Bill "An Act to Exempt Public Libraries from the Sales Tax" (H. P. 1052) (Presented by Mr. Stubbs of Hallowell)

Bill "An Act to Provide Reimbursements to Municipalities for the Loss of Revenues from the Tax on Business and Agricultural Inventories" (Emergency) (H. P. 1053) (Presented by Mr. Carey of Waterville)

Bill "An Act to Provide an Equitable Method of Reimbursing Municipalities for Revenue Loss Due to the Tax Exemption on Business Inventories" (Emergency) (H. P. 1054) (Presented by Mr. Carey of Waterville)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Concerning Motor Vehicles Located at Official Motor Vehicle Inspection Stations" (H. P. 1055) (Presented by Mr. Hunter of Benton)

Bill "An Act to Repeal Certain Laws Relating to Transportation" (H. P. 1056) (Presented by Mr. Nelson of Roque Bluffs)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

RESOLVE, to increase the Retirement Benefits of Helen B. Pearson (H. P. 1057) (Presented by Mr. Gray of Rockland)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1021) recognizing that: The Panthers of Rumford High School and Coach John Shaw have won the Maine Class A Schoolboy Basketball Championship for the Academic year, 1977 (Presented by Mr. Brown of Mexico) (Cosponsor: Mr. Theriault of Rumford)

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

An Expression of Legislative Sentiment (H. P. 1022) recognizing that: Miss Leslie Bancroft of Paris, who is a senior at Oxford Hills High School, has won the 5 kilometer event and came in second in the 7½ kilometer race at the Junior Women's National Cross Country Skiing Championships held in Fairbanks, Alaska (Presented by Mr. Immonen of West Paris)

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

House Reports of Committees**Ought Not to Pass**

Mrs. Beaulieu from the Committee on Education on Bill "An Act to Require the Purchase of School Buses Through the Bureau of Purchases" (H. P. 476) (L. D. 582) reporting "Ought Not to Pass"

Mr. Lynch from the Committee on Education on Bill "An Act to Change the Duties of Regional Vocational Center Advisory Boards, the Age of Eligibility for Out-of-School Students and the Method of Approval of Regional Vocational Centers" (H. P. 426) (L. D. 534) reporting "Ought Not to Pass"

Mr. Wood from the Committee on Public Utilities on Bill "An Act Concerning Termination of Public Utilities Services" (H. P. 499) (L. D. 617) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

Leave to Withdraw

Mr. Green from the Committee on Natural Resources on Bill "An Act to Clarify the Great Ponds Alteration Act" (H. P. 593) (L. D. 720) reporting "Leave to Withdraw"

Mr. Curran from the Committee on State Government on Bill "An Act to Require a Legislator to Abstain from Voting in Either Branch of the Legislature when his Membership in a Profession, Trade or Organization Causes a Conflict of Interest" (H. P. 165) (L. D. 203) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass

Mrs. Huber from the Committee on Natural Resources on 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) (L. D. 615) reporting "Ought to Pass"

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

Consent Calendar

First Day

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

(H. P. 289) (L. D. 370) Bill "An Act to Revise the Method of Funding Water Pollution Abatement Planning" — Committee on Natural Resources reporting "Ought to Pass"

No objection being noted, the above item was ordered to appear on the Consent Calendar of March 28, under listing of the Second Day.

(H. P. 387) (L. D. 477) Bill "An Act Pertaining to Rat Control on Public Dumps" — Committee on Natural Resources reporting "Ought to Pass"

On the request of Mr. Cunningham of New Gloucester, was removed from the Consent Calendar.

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

(H. P. 353) (L. D. 446) Bill "An Act to Transfer to Central Maine General Hospital School of Nursing, a Corporation, the Authorization Heretofore Granted to Central Maine General Hospital a Corporation with a School of Nursing, to confer Associate in Applied Science Degrees in Nursing" (Emergency) — Committee on Education reporting "Ought to Pass"

(S. P. 169) (L. D. 486) Bill "An Act to Amend the Charter of the Belfast and Moosehead Lake Railway" (Emergency) — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-36)

(S. P. 182) (L. D. 496) Bill "An Act to Authorize the State Librarian to Purchase Town Histories and other Maine Histories for Distribution to Public Libraries and Schools" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-35)

(S. P. 89) (L. D. 213) Bill "An Act Relating to the Purchase of the Maine Insurance Advisory Board" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-34)

(S. P. 90) (L. D. 214) Bill "An Act Relating to Vehicle Sizes and Weights" (Emergency) — Committee on Transportation reporting "Ought to Pass"

(S. P. 184) (L. D. 584) Bill "An Act to Require Notice and Hearing to Counties When Ordered to Pay Surveyor's Fee" — Committee on Local and County Government reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 28, under listing 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:

(S. P. 155) (L. D. 395) Bill "An Act to Clarify the Responsibility for Payment of Expenses on Rendition of Prisoners" (C. "A" S-32)

(S. P. 133) (L. D. 308) Bill "An Act Relating to Maintaining Records on Premises under the Laws Relating to Alcoholic Beverages."

(S. P. 146) (L. D. 387) Bill "An Act Converting Rangeley Plantation into the Town of Haley" (Emergency) (C. "A" S-31)

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

Passed to Be Engrossed

Bill "An Act Providing Legal Definition of Hunter Orange" (S. P. 100) (L. D. 229)

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

Second Reader

Tabled and Assigned

Bill "An Act to Regulate the Circulating of Initiative or Referendum Petitions" (H. P. 223) (L. D. 287)

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

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

Mr. DAVIES: Mr. Speaker and Members of the House: I looked over this bill this morning, and I came to the conclusion that we have a serious constitutional question that is involved in this bill. I took the bill down to the Attorney General's Office this morning and asked for an expedited opinion as to whether this violates Article I of the United States Constitution. Attorney General Brennan has said that he would try to expedite this matter as quickly as possible, and I would appreciate it if someone would table this bill until we do have an opinion from the Attorney General.

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

Mr. TALBOT: Mr. Speaker, I move this lie on the table for one legislative day.

Whereupon, Mr. Lizotte of Biddeford requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Talbot, that this matter be tabled pending passage to be engrossed and specially assigned for Monday, March 28. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

Second Reader

Tabled and Assigned

Bill "An Act to Require that Savings from Substitution of Generic Drugs be Passed on to the Purchaser" (H. P. 147) (L. D. 177)

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

On motion of Mr. Cox of Brewer, tabled

pending passage to be engrossed and specially assigned for Tuesday, March 29.

Passed to Be Enacted

Emergency Measure

An Act to Create the Eastport Port Authority (H. P. 925) (L. D. 966)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 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.

Orders of the Day

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

House Report — "Leave to Withdraw" Committee on Election Laws on Bill "An Act Relating to Removal of Nonvoters' Names from Voting Lists" (H. P. 87) (L. D. 113)

Tabled — March 22, 1977 by Mr. Boudreau of Waterville.

Pending — Acceptance of the "Leave to Withdraw" Report.

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

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

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Veterans and Retirement on Resolve, Providing a Pension for Elizabeth S. Violette of Augusta (Emergency) (H. P. 466) (L. D. 571)

Tabled — March 22 1977 by Mr. Theriault of Rumford.

Pending — Acceptance of either Report.

Mr. Theriault of Rumford moved the Majority "Ought Not to Pass" Report be accepted.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope we accept the Minority "Ought to pass" Report.

Elizabeth Violette is a 60-year-old widow of a state employee who had 41 years of service. She is unable to walk without help due to residual damages following three strokes between 1968 and 1971. Her only income is a pension of \$194 as a disabled widow of a U.S. Navy veteran.

Philip Violette, her late husband, retired as Director of Liquor Enforcement following Mrs. Violette's third cerebral vascular shock because she was helpless, in need of 24-hour care, and people could not be found to give her the type of care required, except at prohibitive fees.

Prior to retiring, Mr. Violette, following Mrs. Violette's third shock, talked with his wife's physician relative to her prognosis, and because she was not expected to live longer than a few months, he did not elect the survivor benefit retirement option clause. Seven months later, Mr. Violette died of a heart attack, leaving Mrs. Violette with a home, \$11,800 in insurance, but without an income.

Today, five years following Mr. Violette's death, his widow has depleted her insurance money she received. She has had therapy to stimulate her affected, weakened vascular system, has had her home remodeled to increase her mobility, but she is not independent in the usual activities of daily living and cannot live alone. Two women are living with her at present, but she needs money to provide for her basic needs.

She did not work under social security long enough to be eligible for a benefit, nor under any other pension system. The pension she receives as a disabled widow, which has recent-

ly been awarded, does not give her enough to live on. At her request, I am submitting a bill asking for a grant of \$200 a month to supplement the \$194 pension so that she can continue to live in her home as opposed to going to a nursing home facility at a probable cost of \$800 per month.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: This is another one of those bills that is hard to fight and try not to have it pass. We understand the situation, but it is one of those bills that requires money to come directly—I believe in this case it will be coming out of the regular appropriation; it won't be coming directly from the Retirement System.

It is one of those bills that we are not permitted to get through because of the fact that we turned many of these down in the last session and we can't relax now, because if we do, we will get a flood of other bills.

The principal thing is that this payment of Mr. Violette's pension, retirement fund, was the same as if you are paying an insurance, you make your decision of what you are going to get and that is what you get; you can't change your mind after the fact. This thing has to be followed through. Mr. Violette made the wrong decision and I don't doubt but all of us would have done the same thing in the same situation, but the retirement actually is an insurance, and if we start relaxing it and giving it whether it is legal or not, then I think we will take a chance on depleting our funds.

I feel that this bill should not be passed.

Thereupon, Mr. Hickey of Augusta requested a division.

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

A vote of the House was taken.

69 having voted in the affirmative and 38 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

Bill "An Act to Amend the School Lunch and Milk Program" (H. P. 467) (L. D. 484) — In House, Passed to be Engrossed as Amended by House Amendment "A" (H-40) as Amended by House Amendment "A" (H-47) thereto, March 2. — In Senate, Passed to be Engrossed as Amended by House Amendment "A" (H-40) as Amended by Senate Amendment "A" (S-33) thereto in non-concurrence.

Tabled — March 23, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further consideration.

Thereupon, the House voted to recede and concur.

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

Bill "An Act Concerning Community Industrial Buildings under the Maine Guarantee Authority Statutes" (H. P. 1006) (Committee on State Government suggested)

Tabled — March 23, 1977 by Mr. Curran of South Portland.

Pending — Reference.

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

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

The following Communication: (S. P. 346)

STATE OF MAINE
LEGISLATIVE COUNCIL
STATE HOUSE
AUGUSTA, MAINE 04333

March 23, 1977

The Honorable May M. Ross

Secretary of the Senate

Senate of Maine

Augusta, Maine 04333

Dear Madam Secretary:

This is to inform you that the members of the Legislative Council pursuant to Legislative Joint Rule 38 have selected Mr. Robert McKernan and Mr. James Mundy as the Partisan Staff Assistants for gubernatorial Nominations. Each of these assistants shall serve at the pleasure of the appointing authority during the present biennium. Partisan Staff Assistants for nominations shall provide all necessary assistance to each Joint Standing Committee required by law to recommend action on a gubernatorial nominee.

Sincerely,

Signed:

JOHN L. MARTIN

Chairman, Legislative Council

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

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

An Act to Revise the Salaries of County Officers (H. P. 738) (L. D. 752) (S. "A" S-26, S. "B" S-27)

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

By unanimous consent, ordered sent forthwith.

The following paper from the Senate appearing on Supplement No. 3 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 350)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall report out a bill concerning educational funding as required in the Maine Revised Statutes, Title 20, section 3747.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. GREENLAW: Mr. Speaker, if it is appropriate, I would like to raise a question concerning this order to some member of leadership. If memory serves me correctly, Section 3747 of Title 20 deals with the allocation of the Education Finance Act. The question I would like to ask is, is this order asking that a bill be reported out of Appropriations dealing strictly with the Allocation Act and not with the tax issues?

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I will be very happy to answer the questions of the gentleman from Stonington, Mr. Greenlaw.

I took the liberty today of doing something which is quite unusual, and that is actually distributing to everyone's desk a section of the Maine Statutes. If you hunt around, I think you will be able to find Title 20, Section 3747, on your desks. This is precisely the issue we must deal with next week under current Maine law.

The first sentence of that section says "The legislature shall annually, prior to April 1, enact legislation which shall. . ." and then it goes on to list several things.

Obviously, we are going to have a great deal

of debate next week as to whether this entire section should be repealed. This is an issue which we will all have ample opportunity next week to debate and discuss and argue about.

All this order does is to tell the Appropriations Committee to essentially establish a vehicle by which we can meet our current statutory obligations under this section. Obviously, if this section is repealed by that point, then that action would not have to take place. Nonetheless, we need a vehicle, and all supplement number three does is to provide that vehicle.

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

Mrs. POST: Mr. Speaker, I would like to pose a question through the Chair to any member of leadership. That is, specifically, will the issue of the mill rate for the next year be included in the bill which comes out from Appropriations and Financial Affairs?

The SPEAKER: The gentleman from Owls Head, Mrs. Post, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the same gentleman.

Mrs. POST: Mr. Speaker and Members of the House: I think it is pretty obvious to everyone by now exactly what is happening. We have in front of us now a move to put what two days of having folks come down here to Augusta, attend hearings, many of them actually coming in the middle of a snowstorm, all for nothing.

We obviously have no Joint Order here asking the Committee on Taxation to report anything out with a mill rate. The simple question I want to know is, is the Committee on Taxation, if, in fact, it is going to be setting a mill rate or discussing this issue, or is there an attempt being made to end-run that committee and have it all come through Appropriations?

The SPEAKER: The gentleman from Owls Head, Mrs. Post, has posed a question through the Chair to anyone who may care to answer.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: You know, it has been said many times that paranoia is endemic to our profession, and I think perhaps that the remarks from my good friend and gentlelady from Owls Head exemplified that very old, sage saying. We are not trying to end-run anything, and I can assure that gentlelady of that, and all other members of the House.

All you have to do is read the bill and you realize that we have to have a vehicle, an appropriation vehicle, in addition to a taxation vehicle, to deal with this issue. As the gentlelady knows, the Taxation Committee has been authorized to come in tomorrow, and if need be Saturday and Sunday, so they are in a position to report out the vehicles which they already have in their committee so we can act on them next week.

I can assure all the people who came down in the snowstorm yesterday, I can assure the gentlelady from Owls Head, and I can assure every member of this House that we are being straight and fair on this and all we are trying to do is to make sure we have the vehicle before us next week on which we can vote.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Taxation will be meeting tomorrow morning at ten o'clock in Room 327. It is my understanding that the Committee on Appropriations is meeting tomorrow morning at nine-thirty. I have made a request that the Committee on Taxation meet jointly with Appropriations sometime tomorrow. What we have to know on the Taxation Committee — for instance, we cannot set a tax rate if we don't know what the level of funding is going to be. So the first burden falls on the Appropriations Committee

to set a level of funding. The second burden falls on the Appropriations Committee, because they then also have to tell us how much money they will produce out of the General Fund towards funding Education.

If Mrs. Post has done any budget work whatsoever at any time in her life, she would know that if you know how much money you are going to spend and what you have for outside revenues, that the resultant is the amount of money that you have to raise by taxation and in theory and in all practicality, the Uniform Property Tax rate sets itself. So the Appropriations Committee will play a very large part in the setting of the Uniform Property Tax while we on Taxation will go through the mechanics of setting the Uniform Property Tax.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: What I am afraid of is exactly what Mr. Carey said, and that is that the Taxation Committee will go through the mechanics.

I will ask the question that I asked before which was not answered. Will the mill rate for the coming year be included in the bill which comes out of Appropriations and Financial Affairs?

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: If we can get this joint meeting together between Taxation and Appropriations and Mrs. Post, as a member of Taxation, has some input into the bill, it may very well be that that would be the vehicle that may set the tax rate. Whether or not she cares to have that done or not obviously is something she will have to wrestle with herself. In all practicality, it will have been set once they tell us how much they are going to spend out of the General Fund. I have no objections to that. She will have input, hopefully. If she fails to have any input in the Appropriations Committee's findings, I would certainly feel that as a member of my Committee on Taxation she would have every opportunity to gripe and I would certainly back her in her position.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I think the questions have been answered, and it is pretty obvious that it is very likely the mill rate will be in the bill that comes out from Appropriation and Financial Affairs. I, and all the other members of Taxation who have sat for two days and listened to hearings on these bills have no vote for Appropriation and Financial Affairs, so I have no doubt that this order is going to be funded. I want to see it be passed in the final end. I want to see how many people here are willing to bypass the system that we have set up and how early in the game this is going to happen. I request a roll call.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: This issue is very important. As you can see, we are very, very sensitive about it. We are suspicious about the fact that it appears that the Appropriations Committee is going to do something that we in Taxation — I say by we, at least a number of us on Taxation — thought that we were going to do through these hearings that were conducted during the last couple of days. There were no members of the Appropriations Committee present at the hearings to my knowledge, and I don't think they were exposed to the same information that we were exposed to.

I feel that we have responsibility to several hundred people who did weather the storm yesterday and the unfavorable driving conditions this morning to appear at the committee hearings, and I feel that we, and I hope many others in the House feel that same sense of responsibility, and quite frankly, I am very apprehensive about this and I don't see the need for rushing it through.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker, I move that this item be tabled for one legislative day.

Mr. Tierney of Lisbon Falls requested a vote.

The SPEAKER: The pending question before the House is on the motion of Mrs. Byers of Newcastle to table for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Byers of Newcastle requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of the gentlewoman from Newcastle, Mrs. Byers, that Joint Order, Senate Paper 350, be tabled for one legislative day pending passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Austin, Birt, Boudreau, P.; Brown, K. L.; Bunker, Byers, Carter, F.; Conners, Cunningham, Drinkwater, Dudley, Durgin, Fowle, Gray, Greenlaw, Hutchings, Jackson, Laffin, Lewis, Littlefield, Lunt, Mackel, Marshall, Martin, A.; Masterman, Maxwell, Palmer, Peltier, Perkins, Peterson, Post, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Valentine, Whittemore, Wilfong.

NAY — Ault, Bachrach, Bagley, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Immonen, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lizotte, Locke, Lougee, Lynch, MacEachern, Mahany, Masterton, McBrairry, McHenry, McKean, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Prescott, Quinn, Raymond, Rideout, Rollins, Spencer, Talbot, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Wood, Wyman, The Speaker.

ABSENT — Beaulieu, Carrier, Cote, Devoe, Elias, Gauthier, Goodwin, K.; Howe, Jalbert, LeBlanc, McMahon, Mills, Peakes, Tarbell, Tarr, Tyndale.

Yes, 42; No, 92; Absent, 16; Vacant, 1.

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

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't really see that there should be this particular controversy, and I disagree with Representative Carey on one point, and that is, neither one of these issues, it seems to me, are mechanical. You could argue both, that Appropriations tells how much is coming out of the General Fund, till then Tax-

ation's job is mechanical. The other way of looking at it is that Taxation sets the rate. Then, whatever comes out of the General Fund too becomes mechanical. It seems to me that in both cases there are two basic policy issues. One is, how much are we going to spend on education from the state level? That is the Appropriations Committee's issue. There is another issue — how much of that money should be raised by the Uniform Property Tax? That is the legitimate issue of the Taxation Committee. Both have important issues to deal with. Neither one of them do I feel is overriding the other or acting in a mechanical manner and it is important that both of them work together to solve this problem.

The people who heard the hordes the other day have a lot of input to that cooperative decision. As I understand, it will be happening over the weekend and the earlier part of this week, that neither one of these will be left out and I see no harm in providing this vehicle so that they both can do their respective roles in solving this problem and presenting us with a proposal.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: The Uniform Property Tax — that just rubs my hair backwards every time the word is mentioned in this House and on the street by intelligent people. There isn't any such a thing. People on the street and intelligent people throughout the state know it is not a fact.

In order to have a Uniform Property Tax, you would have to have one man do it from Kittery to Fort Kent, and that is impossible. We would have to change the whole criteria from what they are doing, and I could give you all kinds of reasons, if it was not late Thursday afternoon, explaining why it is not uniform and never going to be. There is no such thing. It is a misnomer. I would rather they wouldn't mention that word in my presence.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to commend the gentleman from Bangor, Mr. Henderson for bringing out a very, very important and very accurate point. If in fact the Taxation Committee is not satisfied with the funding mechanism that is brought forth by the Appropriations Committee by its setting of a certain tax rate, which obviously would have to be debated on the floor of this House, then it, too, can get involved in setting the level of funding for education at the state level. I personally would like to thank the gentleman from Bangor for bringing that forth.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address one small item, and that is the paranoia that we are supposedly, we, the representatives primarily from pay-in communities, are suffering. The first thing that got us a little upset is that the Order came through on a supplemental calendar and it said that Title 20, Section 3747. Mr. Tierney kindly distributed 3,746, which is a different item and that, of course, did look a little strange. Then I did look up in the Public Laws what this 3747 section said, and number 8 says, establishment of Uniform Property Tax Rate. So, from looking at a few of these things, we decided that maybe it needed more consideration.

The SPEAKER: The Chair recognizes the gentleman from Vassaboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: I hate to add more confusion to an already confused debate, but I think if we are talking about policy, we have left out a rather important committee. The Education Commit-

tee is involved in setting policy. When you add more dollars to a recommended level of funding, there is a policy question involved. Where does that go? Does it go to leeway? Does it go to Special Education? I am somewhat distressed that the Education Committee, or at least a representative, is not involved in this weekend's activities.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I do believe, in response to the gentlelady from Newcastle, that Representative Tierney did circulate the proper section of the statutes. I am having trouble understanding this concern over this order, because this order is the first step in this body's fulfilling its requirements; namely, to set a total level of the funding for education. I would argue that until that has been done, any reference to, I will call it the UPT in deference to the gentleman from Enfield, Mr. Dudley, or the state's share from the General Fund are academic. This should be our first order of business, to set the level of funding and then let Education, Taxation and Appropriations come to grips with the manner in which we are going to apportion it.

I hope this order will continue on. I know there has been no attempt to misinform or misguide any members of this body, but this is a requirement for us to take the first step in determining what the level of funding is going to be.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is not an unusual procedure. We have already enacted bills in this House appropriating funds for certain pieces of legislation without any regard to the tax implications that are going to come to us before the end of the session.

Mrs. Post of Owls Head was granted permission to speak a third time.

Mrs. POST: Mr. Speaker, Men and Women of the House: If in fact this order requesting a bill stated, as Mr. Garsoe had said it did, that the Appropriations and Financial Affairs was to report out a bill concerning the total level of educational funding, then I would not be concerned, because that was the intent of the legislation. However, that is not what it says. It says a bill concerning educational funding as required in the Maine Revised Statutes, Section 3747, which, as you have already been told, includes the fact that we shall set a mill rate.

If Mr. Garsoe wishes to have this tabled until such time as this can be amended to reflect the wishes of the gentleman, then I certainly would support that.

I want to make it very clear exactly what is happening. It is very likely that many members of the Taxation Committee haven't actually listened to those people who came down for two days, feel that we should in fact repeal the Uniform Property Tax and that may be what they wish to report out. This little order is simply a way of stopping that from happening. We may be able to report it out some time in the future, depending on whether or not we have a majority of votes, but it doesn't necessarily have to be considered. It can be held up in printing or all sorts of things can happen to it, and at the same time, we as a state can be committed to a level of funding to the same old bill with the same old problems for another year, completely negating what the people that we have listened to have told us. That is what is happening.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to emphasize that I think identifying in the order Section 3747 was not only proper but necessary, because it asked that the funding of education

be done with respect to the various sections of 3747, which means that the Appropriations Committee will have to consider these areas when they are coming up with a level of funding.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I have in front of me acts and resolves that were enacted by the 107th Legislature at a meeting on the 14th of June of 1976. Mrs. Post is somewhat in error when she talks about all the latitude that the Appropriations Committee may in fact be taking.

On page 25 of that particular pamphlet that is in the back of all of the laws of Maine for the 1976 year is the funding level, Part A, Part B, and even the funding level for Part C. Nowhere did it talk about the uniform property tax as the funding mechanism. It is the Appropriations Act and does not have anything to do with the taxing mechanism.

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 passage of Senate Joint Order relative to the Joint Standing Committee on Appropriations and Financial Affairs reporting out a bill dealing with educational funding, S. P. 350. All those in favor of this Order receiving passage in concurrence will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Norris, Pearson, Peltier, Peterson, Prescott, Quinn, Raymond, Rideout, Rollins, Smith, Spencer, Strout, Stubbs, Talbot, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Whittemore, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berube, Birt, Bunker, Byers, Carter, F.; Connors, Cunningham, Dudley, Elias, Fowlie, Hutchings, Lewis, Mackel, Marshall, Martin, A.; Nelson, N.; Palmer, Perkins, Post, Shute, Silsby, Sprowl, Stover, Valentine, Wilfong.

ABSENT — Beaulieu, Cote, Devoe, Gauthier, Goodwin, K.; Howe, Jalbert, LeBlanc, McMahon, Mills, Peakes, Tarbell, Tarr, Tyndale. Yes, 109; No, 27; Absent, 14; Vacant, 1.

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

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Order:
ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, March 28 at eleven o'clock in the morning. (S. P. 345)

Came from the Senate, read and passed.

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

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

Bill "An Act Creating a Mental Health Advisory Council" (Emergency) (H. P. 301) (L. D. 357)

Tabled — March 23, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

House Amendment "A" (H-88) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: You have all been handed, at the request of Representative Ault, a little flyer pertaining to Blue Cross-Blue Shield. I would like to point out right now that Mr. Ault and I are very good friends and I am not taking issue with him on the representation of this piece of literature; however, there is one thing I would like to point out to you. For any of you who have been here for more than one session, you would know that many times in the past we have had to pass tax measures without even referring those measure to committee. You also would know that sometimes in the past we have had tax measures that we have had to take up in the very last week of the session where a hurried public hearing may have been called.

I have been sponsoring legislation throughout this session, as you know, the famous L. D. 168, the boat bill. I have got tax bills on the corporate income tax; I have tax bills on inventory; I have seen tax bills on amusement tax, so I have not furnished any of those. Mr. Morton has a very comprehensive bill on tax reform, and I feel we have some bills on insurance, and I feel it is the responsibility of the Taxation Committee to hear each and every matter that involves itself with the raising of tax money. For that reason, not because we are going to be taxing Blue Cross and Blue Shield, not because we may or may not be putting the inventory tax back on, but because all of these tax matters obviously affect a lot of people, they should have a very fair and hopefully impartial but very adequate hearing.

The reason that these bills are before us is so that in the rush of business at the very end of the Session, if in fact we are short of money, and the Governor's budget would indicate that we are short of money, if we are short of money and the Taxation Committee is directed to report out a bill on taxes, as you have just passed one on reporting out an appropriations bill, hopefully we will be acting on those matters that have had a hearing. That is the reason why many of these tax bills are in.

Mr. Joyce of Portland was granted unanimous consent to address the House.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I feel compelled today to rise and inform this body of the deep sense of admiration I have this day for the Speaker of this House. He very ably conducted an informational seminar on school funding for the freshmen members of this legislature. This meeting was held in Room 327 at 1:00 p.m. today. Also in attendance was our Majority Leader, Mr. Tierney, who we found to be a proficient legal advisor. Questions of law were explained in down-to-earth terms. He is to be commended. Our good Representative Carey and our good Representative Post were also in attendance.

We have a right to expect much from leadership. Today, they delivered.

Before sitting down, I must report that less than ten members of this House chose to attend the 1:00 p.m. meeting. Why? Why weren't you there?

(Off Record Remarks)

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I just want to take an opportunity here to thank the City of Augusta for that little shindig they put on last night for us. I know a lot of people had a good time, and I just want to say thank you.

(Off Record Remarks)

On motion of Mrs. Post of Owls Head.

Adjourned until Monday, March 28, at eleven o'clock in the morning.