

# 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

Monday, April 4, 1977

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

Prayer by the Reverend Fredric Muir, Unitarian Church of Sanford.

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

The journal of the previous session was read and approved.

**Papers from the Senate**

Bill "An Act to Regulate the Use and Possession of Compressed Air for the Purpose of Scuba Diving" (S. P. 378) (L. D. 1254)

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 Allow Public Inspection of Absentee Ballot Applications and Envelopes" (S. P. 374) (L. D. 1218)

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

In the House, referred to the Committee on Election Laws in concurrence.

Bill "An Act to Allow Sunday Hunting of Wild Birds by Residents" (S. P. 373) (L. D. 1219)

Bill "An Act to Repeal Certain Laws Relating to Conservation" (S. P. 363) (L. D. 1224)

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

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Prohibit the Use of State Funds for Abortions, Except to Save the Mother's Life" (S. P. 377) (L. D. 1253)

RESOLVE, Authorizing Charles S. Estes, or his Legal Representative, to Bring a Civil Action Against the State of Maine (S. P. 370) (L. D. 1220) (Approved by a Majority of the Legislative Council pursuant to Joint Rule 25)

RESOLVE, Authorizing Ronald G. Valente, Deceased, and Formerly of Bradford, County of Essex, State of Massachusetts, by his Legal Representatives, to Bring Civil Action Against the State of Maine (S. P. 359) (L. D. 1214)

Bill "An Act Concerning the Criminal Offense of Aggravated Assault" (S. P. 360) (L. D. 1215)

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 Exclude Sparklers from Prohibition against the Sale of Fireworks" (S. P. 379) (L. D. 1255)

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

In the House, referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Establishing the Offense of Illegal Transportation of Alcoholic Beverages Onto or Off of the Premises of a Licensee Licensed for On-premise Consumption" (S. P. 381) (L. D. 1256)

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 Relating to Training Municipal Fire Departments, Incorporated Volunteer Fire Departments and Fire Brigades" (S. P. 362) (L. D. 1216)

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.

Bill "An Act Relating to the Compensation for District Attorneys" (S. P. 361) (L. D. 1223)

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

In the House, on motion of Mr. Henderson of Bangor, the Bill was referred to the Committee on Judiciary in non-concurrence and sent up for concurrence.

Bill "An Act Concerning a Referendum under the Maine Sanitary District Enabling Act" (S. P. 364) (L. D. 1226)

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

In the House referred to the Committee on Public Utilities in concurrence.

**Tabled and Assigned**

RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses (S. P. 366) (L. D. 1227)

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

In the House, on motion of Mr. Curran of South Portland, tabled pending reference in concurrence and tomorrow assigned.

Bill "An Act to Strengthen the Representative Form of State Government and to Improve the Legislative Process" (S. P. 371) (L. D. 1221)

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 Authorize the Construction of a Bridge Across the Saco River Between the Cities of Biddeford and Saco" (S. P. 368) (L. D. 1225)

Bill "An Act to Provide for the Use of Commuter Passes on the Maine Turnpike" (S. P. 372) (L. D. 1222)

Bill "An Act to Designate the Arnold Trail Highway" (S. P. 367) (L. D. 1217)

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

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

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

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Establishing a Limited Open Season on Moose" (S. P. 191) (L. D. 588)

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

**Leave to Withdraw**

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Increase the Statutory Limit on Single Loans Made by the Maine Veterans Small Business Loan Authority Board from \$15,000 to \$25,000" (S. P. 163) (L. D. 439)

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Authorize the Transfer of all Assets and Liabilities of the Newport Sewer District to the Town of Newport and the Dissolution of the Newport Sewer District" (S. P. 141) (L. D. 382)

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Authorize the Transfer of all Assets and Liabilities of the Newport Water District to the

Town of Newport and the Dissolution of the Newport Water District" (S. P. 96) (L. D. 220)  
Came from the Senate with the Reports read and accepted.

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

**Ought to Be Adopted****Later Today Assigned**

Report of the Committee on State Government reporting "Ought to Be Adopted" on Joint Resolution Accepting the Capitol Planning Commission Report and Indicating a Willingness to Utilize The Capitol Complex Plan and Public Improvement Proposals As A Guide For All Future Legislation Pertaining to the Capitol Complex (S. P. 62)

Came from the Senate with the Report read and accepted and the Joint Resolution adopted.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to spend too much time on this matter. When I first saw this on the calendar, I had reservations about it because there are concerns among a great many people in Augusta as to some of the input into this plan. But after talking with the honorable gentleman from South Portland, House Chairman of the Committee on State Government, I am assured that this Resolution only calls for acceptance of this plan and put to use as a guide. Therefore, I would like it on the record that this is not any kind of a mandate and there could be many changes made in the plan as a result of a change in the composition of the commission.

On motion of Mr. Pearson of Old Town, tabled pending acceptance of the Committee Report and later today assigned.

**Non-Concurrent Matter**

Bill "An Act Relating to the Use of Governmental Records by the Attorney General" (H. P. 986) (L. D. 1197) which was referred to the Committee on Judiciary in the House on March 23, 1977.

Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.

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

**Messages and Documents**

The following Communication:  
MAINE STATE RETIREMENT SYSTEM  
AUGUSTA, MAINE

February 8, 1977

Honorable James B. Longley  
Governor of Maine  
State House, Augusta  
Members, 108th Legislature  
Dear Governor Longley and Members of the Legislature:

In accordance with the provisions of 5 M.R.S.A., Section 1005, the Trustees of the Maine State Retirement System herewith submit an annual report and review of the financial condition of the System for the fiscal year ending June 30, 1976. Also included are reports of the Actuary, the Executive Director, the Investment Consultant and the Group Life Insurance Underwriter.

The Trustees — seven in number; two members appointed by the Governor with the advice and consent of the Council, one member appointed by the Governor from a list of three nominees submitted by the Maine Retired Teachers Association, one member elected by the Maine Teachers Association, one member elected by the Maine State Employees Association, one member appointed by the Maine Municipal Association, one member who is a recipient of a retirement allowance through the System selected by the foregoing members.

The Board has continued to give close atten-

tion to the management of the System's investments and the performance of its money managers. Two meetings were held with the three managers during the year to review their performance and future direction of the program. The overall investment performance for the fiscal year ended June 30, 1976 was 7.7% and was based on the annual time weighted total rate of return.

Although funding of the "non-contributory" teacher group was denied at the last budget process, the Board has requested appropriations for this purpose in a budget request submitted covering the July 1, 1977 through June 30, 1979 biennium. As of June 30, 1976 expenditures for benefits have exceeded funding in the amount of \$79,578,012.00.

During the year the Maine Municipal Association named Paul G. Poulin, City Manager of Augusta, to replace John E. Menario who resigned to accept employment outside the System.

Very truly yours,

Signed:

WILLIAM G. BLODGETT  
Executive Director  
for the Board of Trustees  
Maine State Retirement System

The Communication was read.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pursue my one-man crusade for sanity in the Retirement System. We get many reports from departments and agencies of state government; most of them we don't have time to look at very carefully, but this is one report, it is a red-covered document, it is on your desks this morning, I hope you take it and look it over carefully.

I would like to call your attention to the report of the Executive Director, and I quote: "Of continuing concern to the trustees is the funding deficiency of the so-called non-contributory teacher group. An appropriation request was included in the last biennial budget request but was rejected. However, a request for funding has been made by the trustees for the coming biennium. As of June 30, 1976, there were 2,230 teachers and beneficiaries in this group who are drawing retirement benefits at a monthly rate of \$703,908 and who have been paid benefits from the system in excess of funds provided in the amount of \$79,578,012 as of June 30, 1976.

"In the 107th, the trustees asked the Legislature to appropriate \$5.2 million each year. It was rejected. They are asking for \$6.1 million each year of this biennium, and I find it hard to believe that this Legislature will give them any money.

"We are just postponing the date when some Legislature will have to face a monumental program, because before these non-contributory teachers cease to draw benefits, the fund will pay out in excess of \$140 million and we now have a non-funded reserve of \$528 million."

This report warrants close scrutiny.

Thereupon, the Communication and accompanying Report were ordered placed on file.

#### Petitions, Bills and Resolves

##### Requiring Reference

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

##### Education

Bill "An Act Repealing the Tuition Equalization Fund" (H. P. 1199) (Presented by Mrs. Najarian of Portland) (Cosponsor: Mr. Wyman of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

##### Election Laws

Bill "An Act Concerning Absentee Ballots for Maine Citizens Overseas" (H. P. 924) (Presented by Mr. Bustin of Augusta)

(Ordered Printed)

Sent up for concurrence.

##### Tabled and Assigned

Bill "An Act to Permit the Penobscot Indian Tribe to Assess a Fine on Vehicles Improperly Parked on the Reservation" (H. P. 1187) (Presented by Mr. Pearson of Old Town)

Committee on Human Resources was suggested.

(On motion of Mr. Pearson of Old Town, tabled pending reference and tomorrow assigned.)

##### Judiciary

Bill "An Act Concerning Required Voting on Certain Boards and Commissions with Quasi-judicial Authority" (H. P. 1200) (Presented by Mrs. Locke of Sebec) (Cosponsor: Mrs. Masterton of Cape Elizabeth)

Bill "An Act Reinstating Public Intoxication as a Crime" (H. P. 1201) (Presented by Mr. Drinkwater of Belfast) (Cosponsor: Mr. Shute of Stockton Springs)

Bill "An Act Relating to Granting Administration of an Intestate's Goods or Estate under the Law of Decedent's Estates" (H. P. 1202) (Presented by Mr. Tarbell of Bangor)

Bill "An Act to Establish Procedures to Record Judgment in Registry of Deeds to Create a Lien on Debtor's Real Estate" (H. P. 1203) (Presented by Mr. Tarbell of Bangor)

Bill "An Act to Increase the Penalty for Furnishing Marijuana" (H. P. 1204) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Provide that Certain Minors Purchasing Alcoholic Beverages shall be Tried in District Court" (H. P. 1205) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

##### Labor

Bill "An Act to Authorize Educational Rehabilitation under the Workmen's Compensation Statutes" (H. P. 1188) (Presented by Mr. Tierney of Lisbon Falls)

(Ordered Printed)

Sent up for concurrence.

##### Legal Affairs

Bill "An Act to Establish Chester Greenwood Day" (H. P. 1189) (Presented by Mr. Morton of Farmington)

(Ordered Printed)

Sent up for concurrence.

##### Liquor Control

Bill "An Act to Clarify Certain Liquor Laws" (H. P. 1190) (Presented by Mr. Maxwell of Jay)

Bill "An Act to Repeal Certain Laws Relating to Alcoholic Beverages" (H. P. 1206) (Presented by Mrs. Locke of Sebec)

(Ordered Printed)

Sent up for concurrence.

##### Public Utilities

Bill "An Act to Amend the Charter of the Winter Harbor Utilities District" (Emergency) (H. P. 1191) (Presented by Mr. Bunker of Gouldsboro) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

(Ordered Printed)

Sent up for concurrence.

##### State Government

Bill "An Act to Promote the Preservation of Historic District within the State of Maine" (H. P. 1192) (Presented by Mr. Stubbs of Hallowell)

RESOLVE, Authorizing the Secretary of State to Convey the State's Interest in a Lot in

Waldoboro, Lincoln County, to Clarify Title (H. P. 1193) (Presented by Mr. Palmer of Nobleboro)

Bill "An Act to Establish an Economic Development Policy for the State of Maine" (H. P. 1194) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)

Sent up for concurrence.

##### Taxation

Bill "An Act to Exempt from the Sales Tax all Equipment and Supplies used to Diagnose or Treat Diabetes" (H. P. 1207) (Presented by Ms. Clark of Freeport)

Bill "An Act to Establish a Business Privilege Tax in Maine" (Emergency) (H. P. 1061) (L. D. 1327) (Presented by Mrs. Najarian of Portland)

(Ordered Printed)

Sent up for concurrence.

##### Transportation

Bill "An Act to Provide for a Sign on Route 302 at the Maine-New Hampshire Border Indicating the Scenic Route to Old Orchard Beach and the Lakes Region" (H. P. 1195) (Presented by Mrs. Tarr of Bridgton)

(Ordered Printed)

Sent up for concurrence.

##### Orders

An Expression of Legislative Sentiment (H. P. 1196) recognizing that: Mrs. Minola Austin of Trenton has been named Maine's Outstanding Homemaker for 1977 (Presented by Mr. Perkins of Blue Hill).

In the House, the Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1197) recognizing that: Max P. Good has concluded 24 years of dedicated service in the field of Alcoholism Services (Presented by Mr. Kilcoyne of Gardiner)

In the House, the Order was read and passed and sent up for concurrence.

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage: (H. P. 1198)

WHEREAS, several religious institutions were chartered in Maine by private and special laws prior to any general statutory provisions to charter nonprofit or nonstock corporations; and

WHEREAS, any revisions in the charters of these various religious institutions require separate legislative action; and

WHEREAS, the current public laws provide adequate and minimal necessary state involvement in the affairs of religious institutions; and

WHEREAS, the separation of church and state is a long-established constitutional principle and a long-cherished tradition with the people of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal Affairs study the significant variations between the incorporation of religious institutions by private and special laws and incorporation of religious institutions by public laws dealing exclusively with specific religious institutions and evaluate the extent and necessity of government involvement in the affairs of the religious institutions incorporated by private and special laws versus public laws; and be it further

ORDERED, that the committee report its findings along with accompanying legislation to the Legislative Council no later than December 1, 1977.

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

Ms. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1208)

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly" (H. P. 68) (L. D. 98)

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

By unanimous consent, ordered sent forthwith to the Senate.

On Motion of Mr. Nadeau of Sanford, it was ORDERED, that Nancy Masterton of Cape Elizabeth be excused April 4th, 5th, and 6th for personal reasons.

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

Mr. Teague from the Committee on Taxation on Bill "An Act to Include Farm Trailers, Horse Trailers and Boat Trailers in the Trade-in Law" (H. P. 242) (L. D. 315) reporting "Ought Not to Pass"

Mr. Peterson from the Committee on Human Resources on Bill "An Act Relating to Funds for Employment Opportunities for Maine's Reservation Indians" (H. P. 374) (L. D. 463) 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. Spencer from the Committee on Judiciary on Bill "An Act to Clarify the Authority of Members of Volunteer and Governmental Organizations to Render Emergency Assistance" (H. P. 760) (L. D. 930) reporting "Leave to Withdraw"

Mr. Tarbell from the Committee on Judiciary on Bill "An Act Relating to Public Compensation to the Victims of Crime" (H. P. 634) (L. D. 837) reporting "Leave to Withdraw"

Mr. Spencer from the Committee on Judiciary on Bill "An Act Relating to Challenge Process in Jury Selection" (H. P. 573) (L. D. 697) reporting "Leave to Withdraw"

Mrs. Huber from the Committee on Natural Resources on Bill "An Act to Regulate the Dumping of Snow in Waters of the State" (H. P. 385) (L. D. 475) reporting "Leave to Withdraw"

Mr. MacEachern from the Committee on Veterans and Retirement on Bill "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index" (H. P. 666) (L. D. 807) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Referred to the Committee on Energy

Ms. Clark from the Committee on Business Legislation on Bill "An Act to Prohibit the Sale of Gasoline Below Cost to Destroy Competition" (H. P. 455) (L. D. 560) reporting that it be referred to the Committee on Energy.

Report was read and accepted, the Bill referred to the Committee on Energy and sent up for concurrence.

#### Ought to Pass

Mr. Carey from the Committee on Taxation on Bill "An Act Relating to Tax on Pari-mutuel Pools and State Stipend Law" (Emergency) (H. P. 506) (L. D. 625) reporting "Ought to Pass"

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

#### Consent Calendar First Day

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

(H. P. 324) (L. D. 415) Bill "An Act to Define 'North American Indians Residing in Maine' for Purposes of the North American Indian Scholarships" — Committee on Human

Resources reporting "Ought to Pass"

(H. P. 294) (L. D. 351) Bill "An Act to Eliminate Membership Deadlines for the Cobbesee Watershed District" — Committee on Natural Resources reporting "Ought to Pass"

(S. P. 91) (L. D. 215) Bill "An Act to Remove Limitations on the Amount of Group Life Insurance Which May be Issued" — Committee on Business Legislation reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 5, 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. 142) (L. D. 383) Bill "An Act Relating to the Display of Live Animals"

(S. P. 143) (L. D. 384) Bill "An Act Relating to Adoption of Regulations for Maine Meat Inspection Act"

(H. P. 124) (L. D. 157) Bill "An Act to Amend the Laws Relating to Payments for Care of Children" (C. "A" H-96)

(H. P. 500) (L. D. 618) Bill "An Act Increasing Compensation of Trustees of Gray Water District"

(H. P. 639) (L. D. 783) Bill "An Act Permitting Sunday Operation of Bowling Alleys"

(H. P. 498) (L. D. 627) Bill "An Act to Incorporate the Eastport Utilities District" (Emergency) (C. "A" H-98)

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

#### Passed to Be Engrossed

Bill "An Act to Clarify the Definition of Activities Reportable as Lobbying" (H. P. 1183) (L. D. 1236)

Bill "An Act to Provide for 8-person Juries in Civil Cases" (H. P. 574) (L. D. 698)

Bill "An Act Relating to Inspection and Inspection Fees of Elevators" (H. P. 142) (L. D. 172)

Bill "An Act to Increase the Fee Charged for U.C.C. Certificates of Information" (H. P. 403) (L. D. 513)

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

#### Amended Bill

Bill "An Act to Increase the Maximum Authorized Maine Veterans Mortgage Limit to \$30,000" (H. P. 535) (L. D. 650) (C. "A" H-97)

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

#### Bond Issue

##### Tabled and Assigned

"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)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and specially assigned for Wednesday, April 6.)

#### Passed to Be Enacted Emergency Measure

"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" (H. P. 353) (L. D. 446)

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.

#### Passed to Be Enacted

"An Act to Update Validation of Street Installations of Certain Utility Structures" (H. P. 438) (L. D. 545)

"An Act to Facilitate the Sale of Community Industrial Buildings" (S. P. 134) (L. D. 376)

"An Act to Empower Liquor Inspectors with Limited Powers of Arrest" (S. P. 308) (L. D. 970)

"An Act to Revise the Method of Funding Water Pollution Abatement Planning" (H. P. 289) (L. D. 370)

"An Act Providing for the Revocation and Nonrenewal of Liquor Licenses for Nonpayment of State Taxes" (H. P. 383) (L. D. 474)

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

#### Finally Passed

RESOLVE, Authorizing the Commissioner of Conservation to Convey Land to Somerset County Formerly Known as the Women's Correctional Center at Skowhegan" (H. P. 927) (L. D. 1017) (S. "A" S-41)

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

#### Orders of the Day

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

Bill, "An Act Pertaining to Rat Control on Public Dumps" (H. P. 387) (L. D. 477)

Tabled — March 30, 1977 by Mr. Cunningham of New Gloucester.

Pending — Passage to be Engrossed.

Mr. Cunningham of New Gloucester offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-92) was read by the Clerk and adopted.

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

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

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

Tabled — March 30, 1977 by Mrs. Boudreau of Portland.

Pending — Passage to be Engrossed.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I apologize for holding this bill up for as long as I have. I told you last week that I had asked the Attorney General's Office for an expedited opinion on this to rule on whether this conflicted with the Constitution. The question was posed over a week ago to the Attorney General's Office; however, they have been rather lax in producing the opinion and currently it is now being reviewed again. It is a little disturbing that a department that has 70 attorneys is so slow in handing down an opinion on a bill that is before the legislature.

With all this aside, I think we need to get this tabled again. The opinion is almost ready but, unfortunately, it is not quite, so I would appreciate it if some kind soul would table this bill for one legislative day.

Whereupon, on motion of Mr. Wilfong of

Slow, tabled pending passage to be engrossed and tomorrow assigned.

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

House Divided Report — Majority (8) "Ought to Pass" — Minority (5) "Ought Not to Pass" — Committee on Appropriations and Financial Affairs on Bill "An Act to Establish Total Educational Cost and the Uniform Property Tax Rate and Appropriating Funds for the Fiscal Year Ending June 30, 1978" (Emergency) (H. P. 1166) (L. D. 1234) (Bill Reported Pursuant to Joint Order S. P. 350)

Tabled — March 31, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: At last, we have the long awaited time when we can debate our educational school funding law in debating L. D. 1234, which was reported out pursuant to the joint order, which you will recall we passed some time ago.

As the debate continues, let me tell you just a little bit of what the bill does, which I assume we all know from our many caucuses. We know it is a 293 spending limit; we know it increases leeway, and we know it makes the uniform property tax rate at 11½ mills.

What I guess I am asking both as an individual legislator and also as a member of leadership is, it is just to simply say that I am looking for guidance and legislative leadership is looking for guidance, and the only way that we can ultimately find out where we are going on this bill is to actually put a vehicle before this House for either acceptance or rejection.

I hope that in getting these opinions from you in the next few moments, and I hope it will be a few moments and not a few hours, you will at least give us the courtesy of telling us why, in some detail, if you are either for this bill or against this bill, because it is the only way you can give us direction as we try to decide where we are going on this very thorny and very important problem.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: As the gentleman from Lisbon Falls has just said, I don't think we need to go into the details of this piece of legislation, because I know you are all very familiar with it. It represents to me probably just about as far as I can go upwards or downwards.

I really think that the commissioner's figure was certainly a rock-bottom figure. It is \$35 million short of what our school districts are telling us they need. The City of Bath alone is \$200,000 short; yet, again, it is \$25 million above what the Governor feels we can do with.

I understand the frustrations of many members of this House when it comes to setting priorities for some of the money that we will be using, money that many of you feel should go for social services, but to me education is also a priority and I feel that 293 is a realistic figure.

If we should fail today, which we may, I still, for instance, would like to see the leeway provision kept in there, because it really takes \$150 leeway to maintain our current effort because of higher valuation, and I think this is an important part of the bill for the low valuation towns.

We are rapidly approaching what is going to be our last chance, our last say on this issue, but you all know that it is not the last say for the people of Maine — they will get that this fall.

I guess to briefly summarize how I feel about it, I think the 293 is probably about the most that this state can afford to give to education and it is about the least that education can afford to get.

Mr. Speaker, I move the acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The gentlewoman from Bath, Ms. Goodwin, moves that the House accept the Majority "Ought to Pass" Report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with the two former speakers that this bill has been debated, that we know all there is to know about this bill. I don't know all there is to know about education. I realize they are both a lot smarter than I am, but I think this bill should be debated, it should be talked about in simple language that I can understand, and if you people don't think one vote is very important, you should have been here last year when we passed a bill similar to this. One vote is very important. I think the members of this House who are knowledgeable in taxation, knowledgeable in leeway, what it means and what it does, knowledgeable on mill rates and knowledgeable on school funding should be at their best today.

I don't agree with the chairwoman on the Appropriations Committee that we all know about this bill, because I don't. I want to be right and I want to make the right decision that will be in the best interest of the people of Maine.

I never had much education, but I can listen and I can learn if the language is down to earth. And if you are going to debate a bill this morning, I would appreciate it, if you are trying to get my vote on this bill, to leave out all the high mucky-muck words when professional people are speaking and come down to earth. This bill is important, and if this bill isn't important, I am sure one will follow that will be important.

I think this bill means a lot to the people of Maine; that is a lot of money, and I am glad there are so many people in this House who know all about this bill. I very seldom go to the caucuses that we have in the Republican 228 Room, but I have been to these caucuses because I tried to learn all I could about the school funding laws. I want to know what is good for Westbrook first and what is good for Farmington, shall we say, second, but I want to know what the best is, and I think it is time that you people who are on these committees who are well educated in this field should tell the people what you think is the best and let's leave politics down the hall and come up with a good law that will benefit the people of this state.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today as a signer of the Minority "Ought Not to Pass" Report out of this committee and I would like to reveal to you some of my reasons why I feel this bill should not pass.

In the first place, this bill, by lowering the mill rate, takes \$5.5 million out of the General Fund and it requests another \$3 million for local leeway, which raises the total to almost \$9 million, and this is \$9 million over and above what the Commissioner of Education has requested in his budget.

I think you and I are aware of what commissioners put in their proposed budgets each year, and I don't know of any commissioner in and around Augusta who has ever put in a budget that he considered low. Therefore, ladies and gentlemen, we are raising approximately \$9 million more than the commissioner has proposed in his budget.

If and when we do pass this, we are also spending this sum and we leave very little for other members who have worthy causes; for example, the promise of an inventory tax refund, the University of Maine, state employees who have gone for many years without a raise, and I think these things must be addressed, and in order to address these things and pass this bill,

you are proposing a major tax increase, and I think you should think about it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think I probably could speak here for the better part of an hour concerning this situation. I don't intend to, and I don't think any measure that is presently before this body has any chance whatsoever of getting 101 red buttons on that board, and that, Mr. Speaker and members of the House, is the magic problem — 101. Very possibly if we don't handle the situation, we are apt to hear from another area.

I have served nearly three decades on the Appropriations Committee. I have found that unanimity is the key on that committee, and that is what we don't have at the present time. However, that is something that we can work towards getting, and I am delighted, even though I might have been accused of trying to grill something through, that we did get an extension because we are faced with two big, major problems that can't be settled in a few minutes.

I will not go into the merits or demerits of the issue. There are several programs on both sides and they are too lengthy at this time to go into, but more importantly, I think that the problem has not been, in our rush, to try to meet a deadline, I think the problem has gone from the Appropriations Committee to the Taxation Committee and then the leadership has moved in, not that they shouldn't, not that they should, but that is what has happened.

Mr. Speaker and Members of the House, not wishing to go into the problem at length, I will only make one comment — there is only one thing to do with this measure, and that is to recommit it to the Appropriations Committee.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Our good majority floorleader, a few minutes ago, asked us to share with him and other members of leadership our feelings on the educational bill. I am sure to him, and to most members of the House, my feelings and position on this bill are well known, but I would like to indicate very clearly to members of the House the reason why I am presently opposed to this bill, and I shall do so very briefly and shall state it in two basic reasons.

I am opposed to the continuation of the uniform property tax as it is presently in the statutes for the funding of education, and the two reasons I talk about are very simple; number one, although we are in fact working towards uniform assessment practices and standards in the various cities and towns of the state, we do not in fact have those standards in place now, so what we have is a creation of an inequitable system of taxation that in my opinion creates some unnecessary burdens on admittedly a minority of towns in this state. I might also reflect that not only does it adversely affect 50 or 60 towns in the state in terms of paying in, but there may be some disadvantages created because of the law to other towns that are so-called recipient towns under this law.

The second reason I am opposed to the continuation of the uniform property tax is that it seems to me that the goal that goes hand in hand with the uniform property tax is to provide some type of equal education opportunity for the students in this great state. If we are talking about equal education opportunity or the ability to place dollars behind each pupil in this state, I would submit that there are in fact a number of towns that do not have the capability within the existing framework of the law to raise the sufficient funds to provide the type of education that we all desire. I would offer to you two towns in my district, one a so-called pay-in town

and the other a so-called recipient town, that will have to ask for special permission from the State Board of Education in order to meet their basic educational budgetary needs.

I, as a member of the previous legislature, together with a lot of people, both supporters of the uniform property tax and opponents of the uniform property tax, have worked very, very hard in 1975 and 1976 to write a law that would prohibit the excessive deficits that the original incurred. I voted, as did a number of opponents of the uniform property tax, the past two years for what was considered compromise measures to try and close the loophole in the law so that we wouldn't have the deficits that we have experienced in the past two years.

I think the reason why I am opposed to this bill at the present time and why I shall continue to oppose any bill that maintains the uniform property tax as a method of taxation is that I think we have come the extra mile in trying to write a good, sound law. I think, generally speaking, we have that law on the books today, and what I would ask this legislature ultimately to do is repeal the uniform property tax keeping in place the education gains that we have made, and I think there are vehicles currently before this legislature or will be before the legislature during the course of this week that will maintain the educational goals that we all feel are very important and yet will repeal a tax which many of us feel is very, very discriminatory. That, basically, is why I signed the "ought not to pass" report on the bill before us today.

I would encourage you to vote against the pending motion so that perhaps we could give some very strong direction towards the goal of eliminating the uniform property tax.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: In response to the inquiry from the gentleman from Lisbon Falls, Mr. Tierney, I think I should express my opinion as well. The only thing I really like about this particular bill is the \$125 leeway which I think is good for your poorer towns, but I think this could be provided in another instrument as well.

I don't like it, for obvious reasons, relative to the uniform property tax; that is, it does not repeal it, therefore, I cannot vote for it. But in addition, there is another overriding consideration, one which makes it unacceptable to me, and that is the funding level of \$293 million. That price tag is too big a slice of the budgetary pie and I am afraid would shortchange many of the other programs and could lead to increases in taxes if we were to fund the other programs. So that in itself makes the bill unacceptable.

The 11.5 mills that is contained within this bill to be applied to the state valuations, I believe is unfair also to the poorer towns. Strange as it may seem, a 12 mill effort, which was recommended by the Commissioner of Education, is to the advantage of your real poor towns, I am speaking of now, as opposed to some of the towns that have higher valuations; 11½ mills seem to work out to their advantage.

Basically, those are my reasons. I oppose it because it does not repeal the uniform property tax and because of the funding level and because it is not designed specifically to assist the real poor towns.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I plan to vote against this measure today for two basic reasons, even though my town and the towns in the district I represent probably would benefit from this. The two reasons I feel are very important are — first of all, every session I have been up here, we have continually given education, school funding, the full amount that they have come in for, basically because they have come in here

first, the deadlines and everything we have, they have to be done by April or May, and then we run around the rest of the session trying to find crumbs and little bits here and there from various sources of taxation to try and pick up the rest of the budgetary needs, such as state employees, the university system, low income, elderly, etc., etc., I just feel it is important before we pass on this that we have a pretty good idea of what the total budget is going to look like and what the total budget pie is going to look like.

Second of all, I am a little tired of continually granting increases to the whole educational system before we establish some sort of accountability and some way to measure the improvements in the educational system of this state.

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

Mr. MCBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Appropriations Committee who signed the minority "ought not to pass" report, I feel I have to express my candid opinion and feelings on this bill.

When I was asked to serve on the Appropriations Committee by leadership, I was told that if I accepted I would learn more about state government than on any other committee. In the short time I have served, I find this to be true. I have found that we have thousands of people in programs just as worthy of our serious consideration as education, people in programs that include state employees, senior citizens, mentally retarded, sick and disabled, day care centers, adult education, the University of Maine, the Bangor Mental Health Institute, vocational schools and many, many others, many people in programs who have for too long been put on the back burner, given a few scraps, given the leftovers after education has taken more than a fair share. I strongly feel that if we are true, honest Representatives of the State of Maine, we will consider everyone concerned before we start cutting the pie.

I sat in on every minute of the public hearings on education. I consider Commissioner Millett a very capable, honest man. I am sure he would not have presented a budget we couldn't live with. His budget is well within the statutes we passed within 1975 by collecting less than half of the cost of education from the property tax. The Commissioner's request gives education nearly a 10 percent increase over the last budget. If we pass this bill, we will be giving education \$3 million more than the Commissioner requested. We will be taking several million more from the General Fund than the Commissioner recommended.

What will the passage of this bill mean to all of us today? We will have one of two choices; we can cut out \$8 million from other worthy programs or vote for a major tax increase that will end up taking much more than \$8 million from the taxpayers of Maine. Please don't let anyone make you believe that General Fund money is free. A bigger percentage of the General Fund money comes from the Maine people than comes from the property tax.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We have been hearing talk that the legislature is setting education funding. The level of public school funding in the State of Maine is established at the local level. There are programs, special education, vocational education, transportation and all the others that have been mandated by the legislature to the local units.

The Commissioner of Education in setting his level of funding has done only what he has been forced to do by the School Finance Act of 1976. That is where he gets his level of funding, and all he has done is accumulate reports from

every school unit in the state, assembled them and put the figures together and come up with his level of funding. The people of the State of Maine have set the level of public school education funding, not the legislature.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those who was opposed to extending the deadline for our decision on educational funding, and some of the remarks I am hearing here today lead me to think I perhaps should have stuck to my guns a little better, but my caucus told me, by an overwhelming vote, that this was not the way which I should conduct myself and now we are extending this and I am seeing here today evidence that we are going to come right up against the deadline again on April 14.

I would ask you to consider, as you vote on this matter, what you have before you. You have the report out of Appropriations suggesting a certain course of action just as a committee report. Those who would differ with the level of funding and those who would differ with the rate of the uniform property tax have full access to that document when it comes up for second reading, and I suggest that this is the course of action we should take. But to those who say they are going to oppose this because they are opposed to the uniform property tax, I say shame, shame, this is an obstructionist approach. You have had your day in court on the uniform property tax and it did not fly, you cannot repeal it.

This is going to have another day in court when we will find out really what the people of the State of Maine want to do about it next fall. Why can't we put that on that burner and approach the problem that we have, a statutory obligation to fulfill, which is as soon as we possibly can, to set the level of funding, set a tax rate and conclude it as a job well done.

I would also add that those who feel we are going to avoid spending money or we are going to avoid taxation by juggling the total level of funding, listen to the Representative from Livermore Falls, Mr. Lynch. You are not going to avoid taxing; you are just going to shift it, sweep it under the rug, as far as we are concerned. So I think the bill as it is reported in the majority is near target, I think it can be adjusted, but let's do that as we consider the amendment. Let's not adopt the approach that we will do nothing, we will then look for something else to come up, because sure as shooting, we are going to be here at midnight on April 14 making worse decisions than we could make today by adopting the Majority "Ought to Pass" Report.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would like to make one point, it may be wrong and I will stand corrected, but if I remember correctly, last year we set the level of funding around \$272 million. This year, we are in for \$293 million. Anyway you look at it, that is an increase, and that is an increase that the people of the State of Maine have yet to vote on through their local districts and local school units. Most of that increase is purely estimates by various education officials, and I think that is an important point to remember when we are setting the total amount, that these are only estimates we are dealing with.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, signed this report out "ought not to pass," and I have a couple reasons why. First of all, the first reason, I would call it window dressing, and the reason I call it window dressing is because I have a little scenario about the Governor making a recom-

mentation of \$268 million, the Commissioner making a recommendation of \$290 million, and the legislature say \$293.6 million. I find it very hard, and I think you all might well find it very hard to face your constituents back home, because as Mr. Garsoe said, sure as shooting somebody is going to say, there, the legislature has done it again, they have raised an extra \$3 million out of my pocket.

I would ask you, how many other commissioners have come before the legislature and the Appropriations Committee, not arbitrarily, but we have just given them \$3 million more than they have asked for? I don't think there are too many commissioners who have come in with a budget and then the legislature just said, well, we think you need \$3 million more even if he doesn't. He has in fact said that he would rather have the leeway paid in the current year, which would cost the state about \$2 million. In other words, leeway is paying six months in arrears. So he says, well, if you want to spend extra money, let's give them the money they have already voted to take in the year in which they have voted it, which would cost the state \$2 million in the first year but it wouldn't cost us anything later on in the sense that our fiscal year would be the same as the towns and the municipalities. That is my first reason. The second reason is rather obvious, and most everyone here today has alluded to it, and that is the fact that there is no money available.

It is time for the legislature to be realistic and to put things in perspective. There has been a lot of talk about a Budget Committee in this legislature, and I don't know if that is something to come or not, but I think without a Budget Committee members of the Appropriations Committee are united, maybe they are not, but I can certainly tell you that if you pass this bill, you are facing a major tax increase. Those of you here who vote for this bill today should be willing to stand up and say so, and despite the fact that three months from now you may be called to vote for a tax increase, if you don't vote for one then I think you really are not doing your duty. Someone should be able to say, why not, because if you vote for this, you are voting to take an extra \$8 million out of general revenue that is not there, it is going to have to be replaced. We need money for state employees, we need money for the inventory tax and we need money for the University of Maine, among other things.

I also feel it is a little too early in the session to be talking about — the gentleman from South Berwick mentioned the fact that we are passing a budget here of 60 percent, 60 percent of our budget, our total state dollars, are being spent in this bill. I think if you are willing to commit \$8 million more for this one bill, we are going to be in trouble a little later on down the road.

When they brought this to us originally, this \$3 million for leeway, it was my understanding that it was a lapsed balance in the leeway account, and I almost went along with it because it sounded reasonable that leeway was not something that was going to have to be funded every year. There was \$5 million in there last year, maybe towns didn't want it and there would be \$3 million left over, and this would be something that would continue year after year, we should appropriate the money for 100 percent leeway but not all of it would be used. Well, as I dug into this a little further, I found that the \$3 million was lapse balances, but it was not lapsed balances in leeway; therefore, you could not be assured that this money was going to come every year. It was \$3 million that was taken out of lapsed balances in the entire \$265 million account. At that point, I had to face a decision and felt that the state, unless it was going to be something that was recurring year after year, could not afford the \$3 million extra, which is, in fact, a 60 percent increase over what we spent in leeway last year.

The only other point that I would like to make, and Mr. Laffin was talking at one time about what — try to explain to the legislature what vehicles or what determinations should be used in voting, and I would say that when you vote for this piece of legislation, or against it, there are four things that you can vote yes or no on. One is the funding level, \$293 million; one is the mill rate, which is 11.5 mills; one is the amount of leeway and the other is the state's share of how much is going to be funded.

Now, under leeway, and this is the last thing that I wanted to say, is that under leeway, if you vote for \$125, you are in fact building into next year's budget, not this year but the second year of the biennium, a \$2 million increase, guaranteed. Remember, if you look at your cranberry colored sheets dated March 30, the Appropriation Committee recommendation, if you look under leeway of \$90, it shows \$5,030,400. At \$125 of leeway, it shows \$8,113,326. The real figures there, as I said, the state is paying leeway six months in arrears. The amount of money that should be shown in there, if you went on a fiscal year basis and the Commissioner's recommendation, it should be \$6.6 million. Under the committee's recommendation, it would be \$10.1 million, because we are paying, again, six months in arrears. So there is \$2 million extra there that is going to have to be funded in the next year of the biennium more than is in the budget and more than will be in the Commissioner's recommendation. So not only is there an \$8 million increase this year in this budget, but there will be a \$2 million increase next year in there anyway, plus whatever inflation does to your basic allocation costs.

I hope you will think about those things when you come to vote on this bill today.

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

**Mrs. NAJARIAN:** Mr. Speaker and Members of the House: I would like to try to tell you why I voted for this bill and why I think it is probably one of the best education bills we are going to come up with.

In the first instance, it is the only bill that I have seen dealing with education that doesn't violate our Constitution in any respect, and I would like to speak a little bit about the funding level.

The Commissioner recommended \$290.6 million as the funding level for education, and that is based on the actual cost of education spending this year, in this current school year, that is what this is based on. We will allocate this money next year, but it is based on what the school units have spent this year.

When he spoke to our committee on his school funding recommendation, he also made a statement about leeway. We have been funding it at 2 mills at \$90, and he said, and I quote, "it is obvious that the level of state participation in this program is shrinking rapidly as state valuations increase. It would seem appropriate to reexamine this program in order that its proportionate relation to actual costs is periodically updated." He was, in a sense, telling us to take another look at leeway and perhaps increase it so that more towns could participate in line with the increase in state valuations.

I voted to put another \$3 million into leeway to raise that to \$125 for every 2 mills that the towns vote to raise, and I did that even though my community does not benefit from leeway. One mill on our tax rate raises \$65, so we wouldn't get any state help from that program, but I did that because of all the low valuation towns in this state.

The other thing we changed in the Commissioner's recommendation was the mill rate. He recommended 12 and we set it at 11½. This benefits all communities of the state but particularly the high valuation towns. I think our solutions to the uniform property tax pay-in

communities ought to be to continue to lower the mill rate as much as possible so that eventually they won't have to pay in at all but we would all still be paying uniformly.

We have heard lots of figures tossed around on what the education level should be, from \$326 million, which is advocated by the Maine Teachers Association, to \$268 million recommended by the Governor. It is my understanding that the \$326 million or the \$320 million or the \$315 million is based upon what people think education is going to cost per year, but that is not the way our school finance law presently reads. We reimburse on this year, not next year; we are always a year behind.

As far as the \$293 million is concerned, Sawin Millett also said at that hearing that the actual cost of education this year could fall between \$290.6 million and \$295 million, because all the tallies aren't in yet. I have looked back over the three years that this school funding law has been in existence, and in the first two years when we tried to fund it based on actual costs, he was always an average of \$3 million off on the conservative side. Last year he was \$10 million off, but that wasn't his fault. He recommended that we fund education at \$272 million, the Governor wanted it at \$260 million, so we funded it at \$262 million, \$10 million less than the actual cost, and I would remind you that the local communities raised \$13 million in addition on the local property tax without any state participation. So while we tried to cut educational spending \$10 million, they raised \$13 million on the local level. And whether you vote for this or not, if you go for a 12 mill rate, you aren't voting for a tax increase, and if you vote for 11.5, you are voting for a tax increase but you are taking more out of the General Fund.

I consider education will benefit the AFDC children, it will benefit state employees, because they have children in school, the 11.5 will lower their property tax, so I feel that what we are doing here will help a lot of people in the State of Maine, and I hope you will support this school finance act, I think it is the best deal we can come up with because everybody benefits alike.

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

**Mr. JALBERT:** Mr. Speaker and Members of the House: The last speaker got me on my feet. This is not the best deal that we can make by any means. I would hope that we would stop the debate. I don't care to make a motion to recommit because I don't care to assume any position of leadership — God forbid. I have seen the days when I did, but that is where we are heading anyway. This is not going anywhere and this measure is going to be recommitted, so why don't we do it? But I don't want to sit here and listen to somebody say this is the best deal we can come up with, because that is not so. If you want to keep on debating it, I will be delighted to join you, I shall shout out a few figures and believe you me, I will prove to you that that is not so.

Those who would get up and say that probably they were for meeting the deadline last week and are somewhat sorry they didn't hold to their position, they are wrong too, because what manner of person could have conceivably enacted what we are going to do as far as the uniform property tax is concerned and enact an educational funding bill that hadn't even been signed by the members of the committee yet had been printed and issued from the other body which didn't have a right to it in the first place. How could you conceivably have done that in 24 hours? It was absolutely impossible.

My suggestion and hope this will be recommitted is not to hold it forever down in the Appropriations room, and I would be more than happy to work until midnight on it, because I don't think it would take us that much time to at



least come to a firm position as members of the committee, and I am sure that members of the committee have various reasons as to the stand they took. I would hope that at this hour, we are moving along, we are taking up time on this first day of the extension that we are in session, and I would hope that we would proceed to take a vote, if that is what you want to take, and then move that we reconsider.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure whether this is the best vehicle for funding, but I do know that we do have to fund education. There are people who stood up and spoke that the university also needs money, but let's look at it in another way, that we do not need any university or colleges in the State of Maine unless we have a secondary program. We do not need a secondary education program in the State of Maine unless we have an elementary program, and if we are willing to cut the budget just for the sake of cutting the budget, that is an error, because we cannot hide behind a vote to cut the educational budget and claim ourselves fiscally responsible to our people.

There are many things that affect education, and the legislature has passed all the laws that affect education. You will find that some of these laws are in the labor department. You have required school committees in towns under law to negotiate, to pay certain fees and such under law that is mandated to us. The legislature has also passed the retirement system that local communities are forced to pay for, and you heard this morning the cost of this retirement system; whether it is bad or good, it is there and we have to pay for it. Possibly under health and institutions you have the physically handicapped, the disadvantaged student, special ed programs for the poor that the legislature mandated that these people have to receive education.

The education bills go under the Appropriations and Financial Affairs Committee and also to the Taxation and probably are reviewed by more committees than any other budget that we pass, and maybe we should go even further and if this bill is recommitted to the committee, that this Committee on Education require the chairmen of the Committee on Taxation, Health and Institutions, Judiciary, Labor, Legal Affairs, State Government, and possibly the Maine State Retirement System to see exactly where we have to pay for things, the laws that we the legislature pass and are requiring these local communities to pay for before we just decide to cut the budget and claim ourselves to be responsible when we are irresponsible and we don't look back and see what the legislature has passed.

I am not saying this \$293 million is probably the proper figure to use, but let's be responsible and look back and see the laws that we did pass, the legislature did pass, before we make any changes just for the sake of cutting.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I was surprised a few minutes ago when I heard one lady say in her presentation that overspending was the best thing for this state. I was in Philadelphia two years ago and Howard Smith spoke before us and he told us that there was no reason why New York was in the trouble they were in. He said that if every other state does the same thing, they will be in trouble too. I think Massachusetts is going in that direction. Howard Cates Smith mentioned, he said if you earn \$200 and you spend \$300, he said, at the end of the year you are going to be in trouble.

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

Mr. GARSOE: Mr. Speaker, Ladies and

Gentlemen of the House: The excellent presentation of the gentleman from Scarborough, Representative Higgins, prompted me to speak again, because every objection that that gentleman had to this bill can be met in the second reading process when the amendments can be brought in. In fact, they are starting to fly right now. We are seeing amendments being brought in here. I just want to point out that I am not going to be bound to \$293.1 million or 11½ by my vote for this piece of legislation. I am supporting it on the basis that it becomes a vehicle by which we are going to find an ultimate resolution.

I would hope that as many as possible could look at it in this way, that you are accepting the Majority "Ought to pass" Report because not to do it leads us right back to ground zero. So I hope that we could go ahead and put this on to second reader.

Ms. Goodwin of Bath 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 Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Just a few remarks in connection with this bill. What I am going to do is call your attention to some of the remarks that have been made earlier. I hope you were all listening to the gentleman from Livermore Falls, Mr. Lynch, when he pointed out that actual school budgets are determined at the local level; we are not determining them here.

What it comes down to, the question that we have here in the legislature, is how much the state is going to participate in the funding of schools and how much the local area is going to participate in the funding of schools. This bill that you have before you, which takes the commissioner's figures and adds the leeway coverage for up to \$125 per pupil, is a pretty good medium measure. I am not going to say it is the best we can get, because I am not sure that the best that we can get is the best for one town or another.

The gentleman from Westbrook, Mr. Laffin, mentioned the Town of Farmington, which I represent, which is part of an SAD, and actually when you have to decide what is best, if you are going to go just on the dollar basis, you have to make a comparison. About the only thing at the present time that we have to make a comparison with is the bill that we defeated last week, and the bill that we defeated last week, I am very happy to advise the gentleman from Westbrook, was not quite so good for SAD 9 in Farmington as this bill would be. I might add, if he would look at the printout, he would note that this bill is a little better than the one we had last week.

As far as leeway is concerned, it is impossible to comment on the basis of printouts that we have before us in regard to Westbrook, because we don't know what Westbrook's budget is; hence, we don't know how much they are going to get into the leeway, if at all.

I would just make sure that you understand that if we don't pass this today, we may have another bill come out before us, but what we will be deciding then, just as we are today, is how much the state is going to participate and how much the towns are going to participate, and with this \$3 million added to the commissioner's figures, I kind of like this one because it comes about as close as anything to matching the same percentages of local-state participation as we had last time around, somewhere in

the neighborhood of 44.5 percent this time as against 44.3 the last time. That is pretty good continuation of state-local distribution on the same level. I think there is some merit in that point, and if you feel as though we ought to go at about the same level we did before as far as distribution is concerned, then I think you can well vote for this bill. We are going to come down with something. If you are opposed to the uniform property tax, of course you would not vote for this bill because it does contain the uniform property tax. Otherwise than that, I see no reason why you should not, and I urge you to support it.

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

Mr. PERKINS: Mr. Speaker and Members of the House: Just a brief remark. The good gentleman from Farmington made mention of some things made at the local level. I might remind you that major tax increases are established and could well be established here today.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: Comment was made by the gentleman from Farmington, Mr. Morton, who, incidentally, I have grown to respect a great deal since he has been on this committee. I don't think there is a man I really opposed more at the last session than I did him. I don't think there was a man that I like to discuss a problem with more today than I do Mr. Morton. I want you to heed some words of the gentleman from Blue Hill, Mr. Perkins, I want you to heed some figures. You know, there are others that have plans. Now that I am on my feet, we might as well lay it right on the line.

Three times, the Appropriations Committee voted almost unanimously — as a matter of fact, unanimously on two occasions when we were there, I think there were twelve of us, I think eleven of us went once, I think eleven of us the third time, for \$290.6 million, including the good gentleman from Farmington, Mr. Morton.

A week ago last Friday, we met even though we were not in session, and there was the birth of the \$3.81 million, the money that is the surplus of the education fund. The decision was made then to go up and meet with the good people of the Taxation Committee. I said, what are we going up there for? We won't stay there very long, we won't get anywhere. I was voted down. I was the last one in the office and within eight minutes somebody in the Appropriations Committee was meeting with the Taxation Committee and said, let's get out of here. We went back down into our cubbyhole and I went home. As I do sometimes when I leave, I declare my proxy given to Tom, Dick or Harry, but in any event, that evening I spoke to the good lady from Portland, Mrs. Najarian, on a personal matter, and that is when I found out about the fact that we were going to raise the General Fund \$5.8 million. I am certainly not going to repeat here the words that I uttered when I was told that.

We met Monday morning at nine-thirty, came here at eleven o'clock and met again at one-thirty, and at one-thirty, begrudgingly, over the objections of some of my colleagues on a committee, I went along with the \$290.3. Now, we have knocked out that General Fund money. The leader of the other body of the committee and the Chairman of our House Committee, Ms. Goodwin, went up to see leadership and there we adjourned the Appropriations Committee — I went home. That night I got a call and for about an hour and a half I was told the merits of the extra \$5.3 or \$5.8 million without being told of a meeting at four o'clock of the Appropriations Committee putting this money back in. When I got back to Augusta the next morning, I gave my opinion of that kind of a play and I decided that I might do a little work of my own. Everybody else was in the act: I figured, why

shouldn't I get into the act? Everybody has a plan; why shouldn't I have a plan?

I would like to tell you just where we are and where we will be according to my position. The figures as to where we are are accurate figures. As far as revenues are concerned, for the year 1977-78 it is \$405,485,359; 1978-79, \$434,777,028, less the pay-ins, because that must be taken off, of \$7.6 million for the first year and \$7.7 million for the second year, which leaves us with a revenue of \$398,479,359 for the first year; \$422,777,028 for the second year; adding the revenue sharing of \$14 million each year to this and not decreasing the corporate tax as is in the budget would mean \$4.1 million for the first year and \$4.5 million for the second year, and not going along with the exemptions on electricity and gas, which means about \$7 or \$8 a year, it would add another \$3 million each year, giving us a total of available revenue of \$419,539,359 for the first year; \$444,277,028 for the second year. Now, if you toss in the educational surplus of \$3.81 that gives you \$3,086, a total the first year of \$422,666,219.

Now the Governor's Part I Budget, including the Education cost as it was figured in the budget, amounted to \$290.6; it did not originate just in the Education Department, it originated right there. If you look at the figures that the state's share would be and compare them to what the figure of the local share would be, it would have to be \$290.6 million from the second floor. The education cost of \$290 million and the leeway is \$90, less pay-ins, plus the revenue sharing, would mean an expenditure of \$405,029,521 for the first year; an expenditure of \$429,347,492 for the second year, so that after passage of Part I would leave us with \$17,638,698 and \$14,929,536. These figures, of course, are based on 12 mills.

Other expenditures estimated in Part II would mean about, in my opinion, \$2 million for the first year, \$3 million for the second year. The inventory tax reimbursement, based on 70 percent for the first year and 50 percent for the second year, would be \$10,010,000 for the first year and \$7,150,000 for the second year, which would leave us a balance of \$5,628,698 for the first year and \$4,779,536 for the second year left for state employees, the University of Maine and other L. D.'s.

We could always go, you know, from 12 mills not to 11½, we could even go to 11¼ mills, that can happen, and I am delighted to see Mr. Morton nod his head, that is what I am talking about when I say, without having to toss these figures around which I have and wasting your time, my time not being worth anything, that we should move now and recommit now. We could come up with a package that would be far better than what we have now.

You vote for this thing now, you put your light on red and you are voting for major tax, make no mistake about that, a major tax if you vote green. You vote no, then we will recommit, we will come up with something that we have thought out.

I am sorry that I have taken time to give you these figures but they are accurate. I have worked hard on them and if anybody wants to take issue with them, I will be delighted to hear from them.

If I may proceed, I would like to make this comment also. We might just as well face this too. I can remember standing here, and I know some of you are tired of hearing it, all at once the Taxation Committee inherits this and we on the Appropriations Committee inherit this. We did not start this rhubarb in the first place, we inherited this. I can remember standing here saying on 1994, and if you want to recess I will get the records on the second floor, do not pass 1994, it is not good, it is not the answer, besides you are short \$23 million for the second year of the biennium. That is not fable, that is fact. Next year, we did come back \$23 million short

and there was the birth of 1452. The record would indicate that I stated then, you are still in trouble, you are not solving the problem, and here we are back here again with another mess that the Appropriations Committee inherited. We did not start this batch of fudge.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Without tossing figures around to confuse you, you have a simple choice, you can go with the Commissioner's budget and recommendation at 12 mills or you can reduce the uniform property rate below 12 mills with a clear understanding that when you do you automatically increase local property taxes for most communities in this state unless you replace the lost money out of the General Fund; it is just as simple as that.

There are going to be attempts to maneuver budget figures such as total operation. The Governor lopped \$20 million off that item. That cuts the very real guts of your school program. That is your basic allocation. That includes money for teachers, supplies, books, all the things that go into operating a school system, and when you take \$20 million off, that hits every unit in the state.

You have heard somebody say that this is a budget made on estimates. The total operating budget of \$220 million-plus are hard figures. When you get the special education, vocational education, transportation, those are based on estimates or the actual operating costs if they are less than the estimates, so when you fund it, you are funding it fully if the school units take advantage of implementing special education, vocational education and transportation. The choice is simply do you fund the public school education at this level or are you going to pass it back to the local communities? A reduction in the uniform property tax is a passback to the local tax rate unless you put more dollars from the General Fund. It is simple as that. You can look at all the bills and look at how it affects your community and then make your decision, but you are going to have to make it on that basis.

The SPEAKER: A roll call has been ordered. The pending question is the motion of the gentleman from Bath, Ms. Goodwin, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Boudreau, A.; Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Cox, Curran, Dexter, Diamond, Dow, Fenlason, Flanagan, Garsoe, Gillis, Goodwin, K.; Henderson, Howe, Huber, Immonen, Jensen, Joyce, Kany, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Locke, Lynch, MacEachern, Mahany, Martin, A.; Masterman, McHenry, Mitchell, Morton, Najarian, Nelson, M.; Norris, Peakes, Pearson, Peltier, Plourde, Prescott, Quinn, Rideout, Rollins, Stubbs, Talbot, Teague, Wyman. The Speaker.

NAY — Aloupis, Austin, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brenerman, Brown, K. L.; Bunker, Byers, Churchill, Connors, Connolly, Cote, Cunningham, Davies, Devoe, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fowlie, Gauthier, Gill, Goodwin, H.; Gould, Gray, Green, Greenlaw, Hall, Hickey, Higgins, Hughes, Hunter, Hutchings, Jackson, Jacques, Jalbert, Kane, Kelleher, Kerry, Lougee, Lunt, Mackel, Marshall, Maxwell, McBreairty, McKean, McMahon, McPherson, Mills, Moody, Nadeau, Nelson, N.; Palmer, Perkins, Peterson, Post, Raymond, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood.

ABSENT — Carter, F.; Hobbins, Littlefield, Lizotte, Masterton, Spencer.

Yes, 63; No, 82; Absent, 6.

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

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

Mr. TIERNEY: Mr. Speaker, I move that we recommit this bill to the Joint Standing Committee on Appropriations and Financial Affairs and would speak to my motion. If you will recall, I initiated the debate on this bill asking for various feedback from members so that we could debate this thing and find out where it was going. I would like to thank each and every one of you who did speak on behalf of leadership because it has helped me at least find out where this particular House stands.

The question why we want this bill recommitment has been asked and I think that is a very fair question. I think the point has been made admirably by the gentleman from Lewiston, Mr. Jalbert, that we essentially are now dealing with an appropriation issue as opposed to an educational philosophy issue, although I guess money follows the philosophy fairly closely.

There have been requests by members of the committee that we should recommit it so that we can study this thing and keep the bill alive. Obviously, if my motion fails, then at that point we would accept the "ought not to pass" report and then we would not have a vehicle, so I do hope that we recommit this bill to the committee.

Thereupon, the Bill was recommitted to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

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

Bill, "An Act to Remove Restrictions on the Salary of County Commissioners who Hire Full-time County Administrators" (S. P. 154) (L. D. 394)

(In House, read the Second time)

Tabled — March 31, 1977 by Mr. LaPlante of Sabattus.

Pending — Motion of Mr. Berry of Buxton to indefinitely postpone Bill and all accompanying papers.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill was reported out favorably by the Committee on Local and County Government and I would like to explain the nature of it before we tube it, if that is what we want to do. I know we are kind of tired after listening to all this other stuff, but I don't think we ought to let something worthwhile, at least in my opinion, go by without knowing exactly what we are up to.

There is currently in our law the statement that if county commissioners hire full-time administrators they must receive a decrease in their own salary. We just spent a long time hawking, about a month ago, about who ought to be setting the salaries of county officers and I think we agreed at that time that it should be the local county delegation. It is only consistent with that that this bill has been reported out favorably so that if this bill amends the existing statutes, then whenever county commissioners hire administrators or whether they don't, at the annual budget process the legislative delegations will be able to set the salaries of the county commissioners and, as far as that goes, of the administrators. There is no need to have a mechanism which forces every county throughout this state to make a reduction in their commissioners' salaries if there are special circumstances which might warrant

changes, and I don't think it is the duty of this body to tell other counties how they ought to be paying their county officers.

For those reasons, I would hope you would vote against the motion to indefinitely postpone this item.

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

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: As I view this bill, it is not a bill to benefit county commissioners, it is a bill to benefit the citizens of the county. As a fact, that there is an administrator available in the office at all times with a handle on what is going on in the county is a benefit to the citizens and I feel that it is a very important step in getting more efficient county administration.

As far as changing the salaries goes, I entirely agree with Mr. Henderson, that you are at present empowered to handle that situation on another level, and if changes are made in county government whereby the county officials themselves set the budgets, which I hope will happen, there again it will be a matter of the funds available to the citizens of the county and what they are willing to spend for different aspects of county government.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: This is another method of Augusta telling the people in the counties what they can do and what they can't do. If the people in Washington County elect their commissioners, they elect them the same as they elect us here, to run the business down there. They don't intend for Augusta to run it. If they want an administrator down there, they will tell the commissioners so. If they don't want it, they will also tell the commissioners. This move to indefinitely postpone this bill should be defeated.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: When I first saw this bill, I read it and it is quite simple. I didn't quite understand the reason why anybody would want to do what they propose to do here so I took this thing home and I put it on the nightstand where I generally put little things like this. I woke up in the night, I turned the light on and I read it again; it didn't make a bit more sense that time than it did the first time. I brought it back here this morning hoping that maybe somebody could give some real good, valid reasons to convince me that we had ought to have county commissioners and then allow them to go out and hire an administrator to do their work and pay all of those people to do the same job — not a bad setup. Perhaps we could put a bill through here whereby legislators could go out and hire an administrator and receive our salaries plus pay them the salary for doing the same work. That wouldn't be too bad a system, and I think that is exactly what this bill proposed to do. This most certainly could be done if you repeal the law that we made in 1975.

I hope that you will support the indefinite postponement motion.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't often agree with Mr. Berry but this time I am in full accord with him.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would go along with the motion from the good gentleman from Buxton, Mr. Berry.

Two years ago, this bill was put into law and it essentially was put into a law as a form of reform. It really is no different than when a community changes its form of government go-

ing from selectman type to council type of government. Normally when this takes place, the charter incorporates certain provisions which usually stipulate that the councilors will take a reduction in pay. For example, in my community, we get \$10 a meeting and other communities get \$25 and it varies according to communities, but the bulk of the work is now being done by a full-time person, a manager, or in this case, it would be an administrator and there really is no need, if we truly want reform, to keep the salaries of the county commissioners at the same level of pay when they only meet twice a month ten months out of the year.

I would hope that you would support the motion to indefinitely postpone.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you wouldn't indefinitely postpone this bill. Perhaps it could be backed up and amended and those folks in their counties that want to have this restriction, let them go ahead and do it. Mr. Berry and Mr. Carter, if they want that in their county, that is fine and dandy and I am all for them doing as they wish in their own county, but as far as our county is concerned and the other individual counties, and some people have spoken from other counties here, why don't you let us handle our affairs in our delegation in our counties and you all do the same in yours.

I hope that you would not indefinitely postpone this and I, for one, would be happy to back the bill up and allow these gentlemen, and the lady, to do what they want to do in their own counties, but let us make the determination in our own.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the good gentleman Mr. Norris, he probably can recall about two or three weeks ago when we had a bill before us from the County Government Committee that sought to standardize or make reasonably uniform certain salaries and certain things that happen on the county level. I don't know where he stood on that proposition, but I do know that bill passed this House, and if you believe in that philosophy, then there is no way you can believe in what he has just told us. There is no sense to that proposition at all.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: To answer my good friend, I stood opposed to that just as I just stated. I feel that it is up to each county delegation, and if I remember correctly, that philosophy was denied in this House. We decided to let each delegation make their own determination, so I would hope again that you would vote against the indefinite postponement, hold firm in the philosophy that we adopted in that other bill and then if his county wants to restructure their own county under this bill with amendments, proceed and do so and I will be happy to vote with them for them to do it.

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

Mr. GAUTHIER: Mr. Speaker, I would like to pose a question through the Chair to Mr. Norris. How much do your county commissioners earn a year in your county?

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, has posed a question through the Chair to Mr. Norris of Brewer, who may answer if he so desires.

The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Back where I come from, we are eating brown bread. We are eating brown bread because our tax bill is growing by leaps and bounds.

We have a very, very sorry situation. We are trying to tell the county commissioners, you can have your ice cream and you can eat it too. This is a county commissioner's dream. You draw the pay and not do the work. I say, let's give this baby a wonderful funeral here today and we don't need a funeral director to help us. Everybody vote to kill this bill and let's send the word back to them that this is not a wheeler, dealer form of government here, that we are going to give this baby a funeral and give it a good one. Mr. Berry from York County has the right idea and he is on the right track and I am with him all the way. Blow the whistle, toot the horn, and let's kill it.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I am chairman of a county delegation and I am not a terribly great admirer of the county government in my county. You will hear a little later on in the day some of the reasons why I am not an admirer of that. I do believe that we have set up a procedure whereby the county delegations have sufficient authority, one, to set the salaries of the county commissioners and, two, to set the salary for any proposed administrator, and there may be even one county where that would be a wise expenditure of funds, and I think if the county delegation from that county wants to make it without unnecessarily penalizing the salaries of those county commissioners, they ought to have that freedom. Regarding my own county, I am sufficiently satisfied that our delegation will have enough of a say to make sure that whatever funds are expended will be expended wisely.

I would support the bill and vote against the indefinite postponement.

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

Mr. NORRIS: Mr. Speaker, to answer the question of the good gentleman from Sanford, Mr. Gauthier, the chairman of the county commissioners in Penobscot County gets \$5,246 and the members get \$4,948, if that will help him any.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: In our county, they earn between \$3,000 and \$4,000, I believe it is not more, and if they are going to be cut down on their work, if they are going to have somebody else do their work, I think they should be cut down too. Every county should be the same way.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I didn't really intend to speak on this bill at all but I feel compelled to due to the fact that I believe the debate on this bill centers around whether or not you are pro or con county government.

I just have to express my opinion that I am quite happy with the work of our county commissioners in the county I come from. I certainly feel the delegation and the people in the county are perfectly able and willing to set the salaries of those county commissioners when and if the time comes for changes to be made.

There is a good bill here before us in this legislature now to restructure county government. It gives every county the right to have whatever kind of county government they want within the structure of that bill. I think it is a good bill. It also gives the freedom for those on the delegation and those on the local level to decide at that time, if they should so choose to have an administrator, to change the salaries of those county officers. I don't think it is the place here for us to make a carte blanche approval or disapproval of any particular kind of system of paying county commissioners. I think

the local level could well do it and without letting this thing degenerate into a pro or con county government debate.

The SPEAKER: The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 53 in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House the following matter:

Report of the Committee on State Government reporting "Ought to be Adopted" on Joint Resolution Accepting the Capitol Planning Commission Report and Indicating a Willingness to Utilize the Capitol Complex Plan and Public Improvement Proposals as a Guide for All Future Legislation Pertaining to the Capitol Complex (S. P. 62), which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report. Thereupon, on motion of Mr. Norris of Brewer, retabled pending the acceptance of the Committee Report and tomorrow assigned.

(Off Record Remarks)

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

Mr. BERRY: Mr. Speaker, having voted on the prevailing side on item 4, tabled and today assigned matters, Bill "An Act to Remove Restrictions on the Salary of County Commissioners who Hire Full-time County Administrators," Senate Paper 154, L. D. 394, I now move reconsideration whereby this Bill was indefinitely postponed and ask that you all vote against me.

Whereupon, Ms. Bachrach of Brunswick 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 Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: For those of you who weren't in here previously on this debate, I would hope that you would vote yes so that we might reconsider and then defeat the indefinite postponement. This is a question, in my opinion, of home rule, it is another case of we folks here in Augusta mandating what will be done on the local level. In my opinion, as I stated before, we are capable and the county delegations within this legislature are capable of determining how much money the county commissioners will be paid, how much an administrator will be paid if you decide that you want one. So all I am asking for is that you vote yes so that this bill may live so that each delegation can make their own determination.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would like to point out one thing, that there are many cases where the county delegation will not have the ability to pass or reject an administrative assistant. One example is through a Ceta position, another example would be a situation where they may have a position such as a clerk or a secretary or something, they may hire a person to work as an administrative assistant for that particular salary or for a lesser number of hours, but in any event, there are many cases where the

commissioners can get around the present system of having the delegation pass on a particular new individual or something.

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

Mr. HENDERSON: Mr. Speaker, in response to Representative Goodwin's point, that is exactly one reason why I think we should repeal the current system, because it is becoming a hypocrisy. In many cases where people do not hire administrative assistants they hire clerks or whatever and therefore don't come under the rule. In fact what does happen, the county delegation can then decide whether or not this person is performing enough of a service that the county commissioners ought to get a reduction in salary.

If there is any feeling at all for trying to improve the administrative efficiencies of counties, I think this is one reasonable step in the right direction. If we think we ought to reduce legislative bodies salaries if they hire professionals, then why not expand this to other communities, selectmen and so forth. If they hire managers, maybe we should have a state law which says they must, a state law, not a local decision. I think that is ridiculous and for that reason I hope you will vote to reconsider.

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

Mr. BERRY: Mr. Speaker, I guess I can see the error of my ways. I thought that might be a reasonably simple motion, but at any rate, nobody says that county commissioners can't hire administrators. We didn't say that in 1975. We said they could, but we said if they did, they would forego part of their salary, a perfectly sensible thing to do. If they aren't doing the work, why should they get the pay?

We weren't quite as cruel as that may sound, because we did allow them to get \$25 for each meeting they attended. All we did was take their annual salary away from them, or part of it, and give it to the administrator that they had hired. I see nothing wrong with that, I see no reason to repeal that law. I hope that you will vote against reconsideration.

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

Mr. LaPLANTE: Mr. Speaker and Members of the House: Maybe for once I can please both sides. I think my amendment would probably help everyone. It would allow the law to stand on the books as is. The county commissioners would automatically lose their salary if they hire an administrator, but for the counties such as Washington County and Aroostook County where a commissioner may have to travel up to a hundred miles, he would get paid \$25 to attend a meeting, may have to stay overnight and then travel home the next day without pay, and I just don't think that is fair. In the other counties further south, I believe that everyone could travel home the same night and there would be no problem.

My amendment, if you vote to reconsider, I would have an opportunity to present my amendment which would allow the law to stand as is. The commissioners would lose their salaries immediately upon hiring an administrator, but then it would be up to the delegation to allow them a salary that the delegation feels is appropriate that they should have with an administrator.

I hope you vote to reconsider so that I may present my amendment.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: Last week in this House you had a commissioner from one county that I know, not my county, but he was running after some of his delegates down here to tell them he wasn't in favor of having a salary cut. He just came in from Florida and he has been there for quite

some time. I think if they are going to spend their time in Florida and they are going to have hired men to do their work, they shouldn't receive full salary.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It has been mentioned that currently the county commissioners do not receive reimbursement for mileage or expenditures. I believe, if my memory serves me correctly, the present law allows full reimbursement for mileage and expenses, along with a salary. I would hope that you would hold firm and vote against the motion to reconsider.

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

Mr. HUGHES: Mr. Speaker and Members of the House: This debate seems to be degenerating as to which way to vote to be the most anti county government and it really isn't that kind of issue. It is an issue of whether or not to allow your local delegation that kind of leeway. I say don't hamstring your county delegations in making that decision.

In my case, I would not vote for a full-time county administrator without cutting the pay of our county commissioners, but there might indeed be counties about which I know very little where that would be a wise decision, to provide both an administrator and continue with his salaries, or certainly the percentage of the cut should not be set by state law, so give some flexibility to ourselves as county delegations to work with the quality of government we have in our own counties. We certainly know it better, I think, in my county than some other county might know about my county and that would be true of my attitude toward your county. So let's stick with the philosophy that we articulated earlier in handling the county reform bill and leave that decision to the county delegations where it can best be made.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: One quick note. It is not legal to pay county commissioners for travel expenses to attend their regular meetings. I am sure they can get around this in many areas, but legally it is impossible. I do have a bill in to do just that which at least makes the county commissioners equal when they come through the door, regardless of whether they have traveled 50 miles or 5.

I hope that you will support this motion to reconsider, because I think this is a good bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Bunker, Burns, Bustin, Byers, Churchill, Clark, Connors, Cote, Cox, Curran, Dexter, Diamond, Dow, Drinkwater, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Howe, Hughes, Hutchings, Jackson, Jacques, Jalbert, Jensen, Kane, Kelleher, Kerry, LaPlante, LeBlanc, Locke, Lougee, Marshall, Maxwell, McBrairty, McKean, McPherson, Moody, Morton, Nelson, N.; Norris, Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Prescott, Quinn, Rollins, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Tierney, Torrey, Wood, Wyman.

NAY — Aloupis, Berry, Berube, Carey, Carrier, Carroll, Carter, D.; Connolly, Cunningham, Davies, Devoe, Dudley, Durgin, Dutremble, Elias, Fowlie, Gauthier, Goodwin, H.; Gould, Hall, Huber, Joyce, Kany, Kilcoyne,

Laffin, Lewis, MacEachern, Mackel, Masterman, McHenry, McMahan, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Post, Raymond, Rideout, Shute, Talbot, Teague, Theriault, Tozier, Trafton, Truman, Twitchell, Valentine, Wilfong.

ABSENT — Brown, K. L.; Carter, F.; Chonko, Goodwin, K.; Hobbins, Hunter, Immonen, Littlefield, Lizotte, Lunt, Lynch, Mahany, Martin, A.; Masterton, Peltier, Silsby, Spencer, Tyndale, Whittemore.

Yes, 82; No, 49; Absent, 19.

The SPEAKER: Eighty-two having voted in the affirmative and forty-nine in the negative, with nineteen being absent, the motion does prevail.

Mr. LaPlante offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-93) was read by the Clerk.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we ought to at least be informed about House Amendment "A". Things go quickly, especially when we are hungry.

This amendment would basically shift the burden from the way we were just talking about it. That is, under the amendment, the county commissioners' pay would still drop, then it would take a vote of the delegation to reinstate it. I think I am stating that fairly. So the question is whether there is a need for this stage in it or not, and my personal view is that it complicates matters a bit but at least it allows the principle of the local delegation being able to make the ultimate decision.

I just thought you would like to have that information before you vote.

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

Mr. MORTON: Mr. Speaker, I have just read the amendment. I think it is a little unclear as to the legislative meaning of this amendment, and I would hope that somebody would table it for one day so we can get it straightened out if possible.

Whereupon, on motion of Mr. Dudley of Enfield, tabled pending adoption of House Amendment "A" and tomorrow assigned.

On motion of Mr. Palmer of Nobleboro,  
Adjourned until nine-thirty tomorrow morning.