

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

Tuesday, April 12, 1977

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

Prayer by the Reverend David King of the Church of the Open Bible, Greenville.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Order, an expression of legislative sentiment recognizing that: Fire Chief Forest Allen of Farmington is retiring after 35 years of service to his town, including 8 years of service as fire chief. (S. P. 430)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am happy to see this order on the calendar the first instance this morning, because Fire Chief Forest Allen, fondly known in Farmington as Fort Allen, has been a servant in the community for many, many years. I only want to say that he is nothing more than typical of the kind of person that we have here in the State of Maine who is perfectly willing to voluntarily serve his community. This is one of Maine's unique features that we have, and I am very proud to be able to support this order this morning.

Thereupon, the Order received passage in concurrence.

Bill "An Act to Provide for the Payment of the Prime Rate of Interest on Mortgage Escrow Accounts" (S. P. 419) (L. D. 1460)

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 Permit Governing Representation of Regional Vocational Centers by the Participating Communities" (S. P. 420) (L. D. 1461)

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

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

Bill "An Act Providing for Improved Accountability of Funds Expended by the Department of Mental Health and Corrections" (S. P. 417) (L. D. 1458)

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

In the House, referred to the Committee on Performance Audit in concurrence.

Bill "An Act to Establish a Property Tax Exemption for New and Expanding Businesses" (S. P. 416) (L. D. 1457)

Bill "An Act to Equalize the Property Tax on Watercraft" (S. P. 421) (L. D. 1462)

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

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

Bill "An Act Relating to Relocating the Maine Turnpike Authority Toll Booth from Augusta to Gardiner" (S. P. 418) (L. D. 1459)

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 Local and County

Government reporting "Ought Not to Pass" on Bill "An Act Providing for the Separate Listing of County and Municipal Appropriations on Taxpayer's Bills" (S. P. 299) (L. D. 925)

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Provide Protection for Children Transported by Bus by Religious Organizations" (S. P. 93) (L. D. 217)

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

Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Require Periodic Eye Testing as a Condition for Holding a Driver's License" (S. P. 115) (L. D. 274)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act to Revise the Laws Relating to State Financing of the Expenses of the Superior and Supreme Judicial Courts" (S. P. 129) (L. D. 309) reporting "Ought to Pass" in New Draft (S. P. 424) (L. D. 1412)

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

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

Non-Concurrent Matter
Later Today Assigned

Bill "An Act Pertaining to License Fees for the Regulation of Certain Amusements" (H. P. 577) (L. D. 701) which was passed to be engrossed in the House on April 6, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-50) in non-concurrence.

In the House; On motion of Mr. Burns of Anson, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Incorporate the Eastport Utilities District" (Emergency) (H. P. 498) (L. D. 627) which was passed to be engrossed as amended by Committee Amendment "A" (H-98) in the House on April 4, 1977.

Came from Senate passed to be engrossed as amended by Committee Amendment "A" (H-98) as amended by Senate Amendment "A" (S-49) thereto in non-concurrence.

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

Messages and Documents

The following Communication: (S. P. 431)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

April 8, 1977

Honorable Joseph Sewall
President of the Senate

and
Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to formally notify you that Ralph H. Gelder at 12 Myrtle Street, Augusta was nominated to the Public Utilities Commission today.

As you may know, Mr. Gelder filled the unexpired term of Lesley Stanley which officially expired today. I am now renominating Ralph Gelder to continue serving as Commissioner and Chairman.

In accordance with MRSA Title 35, Section 1, as amended, this nomination is subject to review by the Joint Standing Committee on Public Utilities and to confirmation by the Legislature.

Thank you for your assistance.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

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

In the House, the Communication was read and referred to the Committee on Public Utilities in concurrence.

Petitions, Bills and Resolves
Requiring Reference

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

Business Legislation

Bill "An Act to Require that Bills be Mailed within 2 Days of the Billing Date" (H. P. 1301) (Presented by Mr. Howe of South Portland)

Bill "An Act Concerning Consumer Remedies" (H. P. 1302) (Presented by Mr. Tierney of Lisbon Falls)

Bill "An Act Concerning Recovery of Damages by the Consumer" (H. P. 1303) (Presented by Mr. Tierney of Lisbon Falls) (Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Relating to an Adult Education Act and Adult Vocational Education and Establishing a Bureau of Adult Education" (H. P. 1304) (Presented by Mr. Goodwin of South Berwick)

Bill "An Act to Authorize Bond Issue in the Amount of \$1,058,000, for Construction of an Educational Wing at Central Maine Vocational-Technical Institute" (H. P. 1305) (Presented by Mr. Jalbert of Lewiston)

Bill "An Act Concerning Admission of Certain Children into the First Grade" (H. P. 1306) (Presented by Mrs. Mitchell of Vassalboro)

Bill "An Act to Require 2-way Radios on School Buses Operated by School Administrative Units" (H. P. 1307) (Presented by Mrs. Beaulieu of Portland)

Bill "An Act to Establish the Opening Date for School no Earlier than the First Monday Following Labor Day" (H. P. 1308) (Presented by Mr. Truman of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Appropriating Funds for Pass Along of Social Security Benefit Increases to Families Receiving Aid to Dependent Children" (H. P. 1309) (Presented by Mr. Goodwin of South Berwick)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Prohibit the Practice of a Mandatory Retirement Age" (H. P. 1310) (Presented by Mr. Davies of Orono) (Cosponsor: Mr. Brenerman of Portland)

Committee on Human Resources was suggested.

(On motion of Mr. Greenlaw of Stonington, tabled pending reference and tomorrow assigned.)

Judiciary

Bill "An Act to Establish a Commission on Judicial Tenure and Disabilities" (H. P. 1311) (Presented by Mr. Carter of Winslow)

Bill "An Act Relating to Legal Representation and Indemnification of State Officers and Employees" (Emergency) (H. P. 1312) (Presented by Mr. Spencer of Standish)

Bill "An Act to Authorize County Jail Inmate Participation in Municipal Public Works Projects" (H. P. 1313) (Presented by Mr. Green of Auburn)

Bill "An Act to Provide for a Supervised Work Program as an Alternative Form of Sentencing for Juveniles" (H. P. 1314) (Presented by Mrs. Nelson of Portland)

Bill "An Act Regulating the Sale of Handguns" (H. P. 1315) (Presented by Mr. Talbot of Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Improve Public Access to Public Labor Negotiations" (H. P. 1316) (Presented by Mr. Perkins of Blue Hill) (Cosponsor: Mrs. Tarr of Bridgton)

Bill "An Act Permitting Binding Arbitration for Public Employees in Critical Public Services" (H. P. 1317) (Presented by Mrs. Beaulieu of Portland)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Prohibit the Assessment of Extra Charges Based on the Number of Occupants Living in a Mobile Home" (H. P. 1318) (Presented by Mr. Curran of South Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Safeguard Law Enforcement Officers' Individual Rights" (H. P. 1319) (Presented by Mr. Jensen of Portland) (Cosponsor: Mr. Howe of South Portland)

Committee on Legal Affairs was suggested.

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

Marine Resources

Bill "An Act Concerning Wharf and Piers under the Submerged Lands Law" (H. P. 1320) (Presented by Mrs. Post of Owl's Head)

Bill "An Act to Revise the Laws Concerning Marine Resources" (H. P. 1321) (Presented by Mrs. Post of Owl's Head)

Bill "An Act to Create the Maine Coastal Protection Fund for Natural Gas and Liquefied Natural Gas" (H. P. 1322) (Presented by Mr. Valentine of York)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Amend the Method of Collecting Municipal Costs in The Abatement of Malfunctioning Domestic Sewage Disposal Units" (H. P. 1323) (Presented by Mr. Brenerman of Portland)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Providing for an Experimental Measurement of Electrical Residential Load and Demand Requirements" (H. P. 1324) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mr. Spencer of Standish, Mr. Howe of South Portland, Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Require Housing Authorities and Other Agencies to Submit Annual Reports about Housing Programs" (H. P. 1325) (Presented by Mr. Brenerman of Portland)

Bill "An Act to Transfer the Responsibility for Administering and Enforcing the Human Rights Act to the Attorney General" (H. P. 1326) (Presented by Mr. Carrier of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Exempt Property under Construction from Real Property Taxation" (H. P. 1327) (Presented by Mr. Carter of Winslow)

Bill "An Act to Insure That Low Paid Workers, the Elderly and the Poor of Maine are not Taxed at a Higher Rate Than All Other Citizens" (H. P. 1328) (Presented by Mr. Davies of Orono) (Cosponsor: Mr. Brenerman of Portland)

Bill "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000" (H. P. 1329) (Presented by Mr. Hall of Sangerville) (Cosponsors: Mr. Spencer of Standish, Mr. Wilfong of Stow, Mrs. Najarian of Portland)

Bill "An Act to Remove the Sales Tax on the Sale of Water for Residential Uses" (H. P. 1330) (Presented by Mr. Brenerman of Portland)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Concerning the Definition of Spouse Under the State Retirement Law" (H. P. 1331) (Presented by Mr. Tierney of Lisbon Falls) (Cosponsor: Ms. Clark of Freeport)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1296) recognizing that: Andrew B. Stinson of Enfield has retired as warden pilot after 21 years of dedicated service to the Department of Inland Fisheries and Wildlife, the warden service and the people of the State of Maine (Presented by Mr. Pearson of Old Town) (Cosponsors: Mr. MacEachern of Lincoln, Mr. Dudley of Enfield)

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

An Expression of Legislative Sentiment (H. P. 1299) recognizing that: Michael William Michaud of Van Buren has contributed greatly toward the growth and development of Northern Aroostook County (Presented by Mr. LeBlanc of Van Buren)

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

Tabled and Assigned

On motion of Mr. Birt of East Millinocket (Cosponsor: Mr. Lynch of Livermore Falls), the following Joint Order: (H. P. 1297)

WHEREAS, the Maine State Retirement System was established to provide retirement benefits for superannuated and disabled state employees and teachers and their beneficiaries, as well as for employees of political subdivisions and other agencies; and

WHEREAS, at the time the Maine State Retirement System was created in 1947, the Legislature included in the system certain teachers who had been provided retirement benefits through the Department of Education, to whom benefits were required by statutes to be paid from the Maine State Retirement System funds; and

WHEREAS, expenditures by the Maine State Retirement System to pay benefits for this group of teachers has reached approximately \$79,000,000 in excess of available funds as of June 30, 1976; and

WHEREAS, the expenditure of such a significant amount of funds which had not been planned for in the original funding provisions for the Maine State Retirement System has created an unusual drain on the cash flow and accrued un-

funded benefits amortization schedules; now, therefore, be it

ORDERED, the Senate concurring, that a special AD HOC committee be established comprised of 2 members of the House of Representatives appointed by the Speaker of the House of Representatives, 2 members of the Senate appointed by the President of the Senate, 3 members of the Board of Trustees of the Maine State Retirement System, appointed by the chairman of the board of trustees, and 3 citizens of the State with no vested interest in the Maine State Retirement System to be appointed by the Governor, to study the funding problems of the Maine State Retirement System, which have been created by the benefit payments required on account of "non-contributory" teachers who receive benefits under the Maine State Retirement System. These teachers are further identified as individuals, presently totaling approximately 2,200, all of whom are retired and drawing benefits, whose first teaching commenced prior to July 1, 1924 and who were never required to make contributions to any retirement plan until 1945, when the individuals in this category commenced retiring at an accelerated rate. The committee shall review, but not limit its consideration to, the following sources of funding:

1. Assessment against active members, state employees or teachers;

2. Lapsing of unexpended balances of general fund accounts to the Maine State Retirement System;

and be it further

ORDERED, that the officers and staff of the Maine State Retirement System be authorized and requested to provide such information, technical advice and such other assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 and report to the Second Regular Session of the 108th Legislature or in the alternative no later than 90 days prior to the First Regular Session of the 109th Legislature and submit to the Legislative Council within either time period, a written report of its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a copy of this joint order be transmitted forthwith to the office of the Maine State Retirement System as notice of this directive; and be it further

ORDERED, that there is allocated from the Legislative Account to the committee, the sum of \$5,000 to be used for the committee to employ clerical assistance to carry out the purposes of this Order. This appropriation shall not lapse but shall remain a continuing account until the purposes of this Order have been accomplished.

The Order was read.

(On motion of Mr. Theriault of Rumford, tabled pending passage and tomorrow assigned.)

On motion of Mr. Conners of Franklin the following Joint Order: (H. P. 1300) (Cosponsor: Mr. Tozier of Unity)

WHEREAS, there is mounting concern within the Legislature over the manner in which the Department of Inland Fisheries and Wildlife is presently operating; and

WHEREAS, it is essential that all state departments maintain a high level of efficiency in administration, operation and in the use of public funds; and

WHEREAS, it is in the best interests of the citizens of this State that the present level of functioning of that department be examined to determine if any areas of inefficiency exist; now, therefore, be it

ORDERED, the Senate concurring, that a joint select interim committee consisting of 3

members of the Senate, to be appointed by the President of the Senate, and 8 members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall study the present operation, administration and funding of the Department of Inland Fisheries and Wildlife and the level of efficiency at which that department is presently functioning; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to the members of the committee.

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

On motion of Mr. Kelleher of Bangor, the following Joint Resolution: (H. P. 1332) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 34)

Joint Resolution Memorializing the President of the United States, United States Department of Agriculture and Maine Congressional Delegation to Support Increased Allotments of Funds to the State of Maine Through the Farmers Home Administration

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the 108th Legislature now assembled, most respectfully present and petition the President of the United States, the United States Department of Agriculture and the Maine Congressional Delegation as follows:

WHEREAS, many regional and local construction projects in Maine depend for their completion upon funds made available through the Farmers Home Administration; and

WHEREAS, priority construction projects in the following regions will fail to be completed unless funds are made available through the Farmers Home Administration: Caribou Hospital District; Region II Vocational School in Houlton; Hospital Administrative District No. 4 in Dover; Region III Vocational School in Lincoln and Southern Aroostook Community School District in Island Falls; and

WHEREAS, the pressing need for improved educational and medical services in many areas of Maine renders these construction projects of the utmost importance to Maine; and

WHEREAS, current disputes concerning vast portions of the land in Maine have made it essential for Maine to receive increased funding from outside of the State to help ensure continued growth and development; and

WHEREAS, allotments to these priority projects through the Farmers Home Administration would assist in maintaining this growth and development while providing these needed services to Maine residents; now, therefore, be it

RESOLVED: That we, your Memorialists, respectfully request that the President of the United States, the United States Department of Agriculture and the Maine Congressional Delegation take all possible action to provide an increase of \$11,620,000 in allotment of funds to the State of Maine through the Farmers Home Administration program to assist in funding these priority construction projects within Maine; and be it further

RESOLVED: That a duly authenticated copy of this Memorial be immediately submitted by the Secretary of State to the Honorable Jimmy Carter, President of the United States, to the Secretary of the Department of Agriculture and to each Member of the Maine Congressional Delegation.

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

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

Mr. Hall from the Committee on Agriculture on Bill "An Act to Define Ownership of Canines" (H. P. 560) (L. D. 677) reporting "Ought Not to Pass".

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

Leave to Withdraw

Mr. Plourde from the Committee on Education on Bill "An Act to Provide for School Administrative Unit Studies to Increase the Efficiency of the Operation of the Public Schools" (H. P. 515) (L. D. 633) reporting "Leave to Withdraw"

Mrs. Lewis from the Committee on Education on Bill "An Act to Provide for Small Unit Subsidy Adjustments" (Emergency) (H. P. 977) (L. D. 1174) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Draft Printed**

Mr. MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 192) (L. D. 254) reporting "Ought to Pass" in New Draft (H. P. 1298) (L. D. 1495)

Report was read and accepted, the New Draft 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. 424) (L. D. 529) Bill "An Act to Standardize the Provision of Copies of Medical Records to Patients of Hospitals" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-124)

No objection being noted, the above item was ordered to appear on the Consent Calendar of April 13 under listing of the Second Day.

Bill Substituted for Report

(H. P. 810) (L. D. 985) Bill "An Act Concerning the Hiring of Bus Drivers by School Administrative Districts" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-127)

On the request of Mr. Sprowl of Hope, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, I move that we substitute the bill for the report, and I would speak to my motion.

The SPEAKER: The gentleman from Hope, Mr. Sprowl, moves that the Bill be substituted for the Report.

The gentleman may proceed.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: This bill came about because of a problem in SAD 28, and probably many of you have the same problem in your school areas.

The purpose of the bill is to upgrade the school bus drivers who transport our school children. As it stands now, anyone who is 18 years of age and has a driver's license can be hired to operate a school bus. These people are hired off the street, have 10 days to apply for a license and then five or six weeks later take a test, and what is happening in many instances is that they fail this test and then that is the end of that particular individual as a driver. Another driver is then hired off the streets and

in many instances a school bus is being driven for the entire year without licensed school bus drivers. It is a continuous thing. They are hired, they drive 30 days, can't pass the test and another driver is hired. This could happen in January, February, and March, during the worst of conditions. Anyone is hired, no requirements, they drive the bus with 50 or 60 children for 30 days. So, the bill that I submitted was to make it mandatory that anyone who drives a school bus takes the test prior to driving.

Now, the superintendents would say that this creates a hardship for them, makes it hard for them to find school bus drivers, but I don't buy that. I think that the SAD's have the facilities and could train these bus drivers prior to the commencement of school. They have their areas behind the schools where they can get these people oriented with the school buses and teach them to drive and get them licensed before they are on the roads.

It is for this reason that I hope you will go along with this motion.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a roll call, and I hope you do not substitute the bill for the report.

I am concerned for the safety of the children, but I think it has to be resolved on the local level. There are problems in some districts, and I think it is up to the parents to bear down on their superintending school committee to solve the problem and not involve the whole State of Maine in a few areas.

The problem arises because superintendents make provisions for bus drivers. Now, quite often a bus driver will take this job and after three or four days driving a bus, he can't stand the racket that is going on behind him and he quits. The superintendent is then forced to hire another man. He has, under present law, 10 days in which to file for a license.

The only thing the committee did in its amendment was to shorten that period from 10 days to 2 days, and I think if you substitute the bill for the report, you are going to create problems throughout the State of Maine.

The SPEAKER: The Chair recognizes the gentlemen from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Seaker, Ladies and Gentlemen of the House: Among my many enterprises, I am also a school bus driver. I agree with the gentleman over here in trying to get some training for these drivers, not only training in how to drive, but they should know the laws pertaining to school buses, what they are, what they can do and when they can do it. I think part of that training should encompass being able to handle the people on that school bus. If they can't handle the people on that school bus, they should not be driving that bus; this is part of the job, learning how to handle the young people on that bus. I want to repeat, if they can't handle them, then they shouldn't be driving that bus.

I know that a lot of bus drivers are a little bit afraid of their job if they put someone off or refuse to take them on that bus, but that is their prerogative. If someone is creating a disturbance, he has the authority not to have them on that bus, and this should be part of the training that they take.

I am in favor of bus drivers being trained not only to drive a bus but to handle the children and know the rules pertaining to school buses.

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

A vote of the House was taken, and more than one fifth of the members present having expres-

sed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Hope, Mr. Sprowl, that the Bill be substituted for the Report. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Boudreau, A.; Boudreau, P.; Brown, K. C.; Carrier, Churchill, Conners, Cote, Devoe, Drinkwater, Durgin, Dutremble, Fowlie, Garsoe, Gill, Gillis, Gould, Gray, Hall, Henderson, Higgins, Hutchings, Jackson, Jalbert, Jensen, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, Locke, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McKean, McPherson, Nadeau, Nelson, N.; Palmer, Peltier, Perkins, Prescott, Raymond, Rideout, Shute, Silsby, Smith, Sprowl, Tarr, Teague, Tozier, Truman, Twitchell, Tyndale, Whittemore.

NAY — Benoit, Birt, Blodgett, Brenerman, Brown, K. L.; Burns, Bustin, Byers, Carroll, Carter, F.; Chonko, Clark, Cox, Cunningham, Davies, Diamond, Dow, Dudley, Elias, Fenlason, Flanagan, Gauthier, Goodwin, H.; Green, Greenlaw, Hickey, Hobbins, Howe, Hunter, Immonen, Kane, Kany, LaPlante, LeBlanc, Lewis, Lunt, Lynch, MacEachern, Mahany, McBreairey, McHenry, Mills, Moody, Morton, Najarian, Nelson, M.; Peakes, Pearson, Peterson, Plourde, Post, Quinn, Spencer, Stover, Theriault, Tierney, Torrey, Trafton, Valentine, Wilfong, Wyman.

ABSENT — Bunker, Carey, Carter, D.; Connolly, Curran, Dexter, Goodwin, K.; Huber, Hughes, Jacques, Littlefield, Lizotte, Lougee, Mackel, McMahon, Mitchell, Norris, Rollins, Strout, Stubbs, Talbot, Tarbell, Wood.

Yes, 66; No, 61; Absent, 24.

The SPEAKER: Sixty-six having voted in the affirmative and sixty-one in the negative, with twenty-four being absent, the motion does prevail.

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

(H. P. 260) (L. D. 328) Bill "An Act Permitting Reciprocity with States that Issue Complimentary Hunting and Fishing Licenses to a Person who is Suffering from Paraplegia or who is Suffering from Loss of or the Loss of the Use of Both Lower Extremities" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-132)

(H. P. 266) (L. D. 334) Bill "An Act to Make Allowations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-133)

(H. P. 262) (L. D. 330) Bill "An Act Concerning Revocation of Certain Inland Fisheries and Wildlife Licenses" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-130)

(S. P. 61) (L. D. 134) RESOLVE, Authorizing Robert J. Gilbert of Mexico to Bring Civil Action Against an Agency of the State of Maine (Emergency) — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-48)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 13, under listing of the Second Day.

(H. P. 655) (L. D. 798) RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Office of Justice of the Peace as a Constitutional Office — Committee on State Government reporting "Ought to Pass"

On the request of Mr. Kelleher of Bangor, was removed from the Consent Calendar.

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

(H. P. 238) (L. D. 301) Bill "An Act to Establish the Salary Level for the Superintendent of the Bureau of Consumer Protection" — Committee on State Government reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 13, 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:

(H. P. 557) (L. D. 674) Bill "An Act Relating to Dogs Running at Large"

(H. P. 827) (L. D. 1000) RESOLVE, Increasing to \$25,000 the Amount for which Romeo and Genevieve St. Amand or their Legal Representatives may bring a Civil Action against the State of Maine.

(H. P. 185) (L. D. 247) Bill "An Act to Provide Minimum Subsidy Payments for Small Administrative Units" (Emergency) (C. "A" H-120)

(H. P. 516) (L. D. 634) Bill "An Act Appropriating Funds to Maine Vocational Development Commission" (C. "A" H-119)

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

Second Reader

Tabled and Assigned

Bill "An Act Relating to Responsibility of Parents to Provide Medical Care Coverage for Minor Children" (H. P. 1257) (L. D. 1414)

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

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

Mr. LaPLANTE: Mr. Speaker, I wish someone could explain to me this bill. I just got some mail yesterday requesting that I look a little closer at this, and it seems in Section 1, paragraph 19, the first sentence says — "upon petition of either husband or wife and/or of the guardian or next kin of either who may be mentally ill" it is a little confusing to me whether a person should be mentally ill to process this or what.

It also gives the one person the right to petition the courts for the opposite spouse to pay for the prosecution of themselves. It just doesn't seem right.

I am hoping that somebody on the Judiciary Committee can explain that to me.

Also, it says the availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of the parent to provide child support. Yet, in Section 1, it really reads almost the opposite.

In the Statement of Fact, it states in the second sentence in the new draft, a support order may include either an order to pay directly some or all of the health care expenses of a child and yet it says that the court may order one person to prosecute another with their own money. This doesn't seem to be clear to me. I hope somebody can explain this to me.

On motion of Mr. Howe of South Portland, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act to Establish a Presidential Primary in the State of Maine" (H. P. 187) (L. D. 249)

Was reported by the Committee on Bills in

the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Second Reader

Later Today Assigned

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. 1295) (L. D. 1445)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and later today assigned.)

Second Reader

Later Today Assigned

Bill "An Act Relating to School Funding and Inventory Tax Reimbursement" (Emergency) (H. P. 1160) (L. D. 1252)

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

(On motion of Mr. Greenlaw of Stonington, tabled pending passage to be engrossed and later today assigned.)

Amended Bill

Later Today Assigned

Bill "An Act Relating to Corporal Punishment" (H. P. 517) (L. D. 635) (C. "A" H-121)

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am having an amendment prepared for this L.D. It is down in the drafting department, and I would ask some kind member to table this until later in today's session.

Whereupon, on motion of Mr. Quinn of Gorham, tabled pending passage to be engrossed as amended and later today assigned.

Amended Bill

Later Today Assigned

Bill "An Act Providing for a Program of Support for Destitute Persons on Indian Reservations and Appropriating Additional Funds for the Department of Indian Affairs" (Emergency) (S. P. 187) (L. D. 573) (C. "A" S-43)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed as amended and later today assigned.)

Passed to Be Enacted

Emergency Measure

"An Act Relating to Tax on Pari-mutuel Pools and State Stipend Law" (H. P. 506) (L. D. 625)

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

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

Mr. TIERNEY: Mr. Speaker, I would like to have somebody explain this bill.

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill relating to the tax on pari-mutuel pools, harness racing, sponsored by myself and the good gentledady from Portland, Mrs. Najarian, the gentleman from Skowhegan, Mr. Whittemore, and the gentleman from Mapleton, Mr. Rideout.

At the present time under harness racing and the pools themselves by the people who bet, 19

percent of it is taken out and 81 percent is returned to the public if they should happen to win. Under this bill, it mandates that 16 percent on win, place and show betting be taken out and 25 percent on exotic wagering, which is quinellas, exactas, daily doubles, multiple horse betting.

The increase to the state fund will be about \$39,000. The extra money that will be raised will be split; the remainder of the money besides the \$40,000 will be split one third to the state stipend fund, one third to the tracks and one third to the horsemen in increased purses.

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

A vote of the House was taken.

124 having voted in the affirmative and none having voted in the negative, the motion did prevail.

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

Emergency Measure

"An Act Concerning the Charter of the Newport Water District" (S. P. 284) (L. D. 897) (C. "A" S-44)

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. 118 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 Relating to an Offense for Littering under the Litter Control Law" (S. P. 392) (L. D. 1294)

"An Act to Eliminate Membership Deadlines for the Cobbossee Watershed District" (H. P. 294) (L. D. 351)

Finally Passed

RESOLVE, Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers (S. P. 121) (L. D. 279)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Bills passed to be enacted, the Resolve finally passed, all 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 to Provide County Commissioner Districts in Washington County" (H. P. 1225) (L. D. 1359) — In House, Read Second Time.

Tabled — April 7, 1977 by Mr. Drinkwater of Belfast

Pending — Motion of Mr. Gillis of Calais to Indefinitely Postpone (Roll Call Ordered)

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I should speak on this bill this morning. Last Thursday, this was before the House here and the gentleman from Calais got up and said that the bill was not advertised in Washington County. I feel that the bill was advertised in Washington County. There was a writeup in the Bangor Daily News, the Downeast Edition, on March 14, which was on a Monday. The following Wednesday, the Machias Valley News carried the notice that I was presenting this county commissioner district bill here in the legislature, and I feel that it was adequately advertised.

I have not had a call, a letter, a card or anything to tell me that it wasn't favorably received in Washington County.

I have a letter here, addressed to Senator Philip Jackson, who is the Senate Chairman of the Local and County Government Committee, and it states: "Dear Senator Jackson: The Washington County Chamber of Commerce wishes to go on record as supporting L. D. 641," which was the original bill before it was amended. There were a couple of things left out and they were put in. "This is something that is drastically needed in Washington County and we understand that we are among one of the few counties in this state that already are not divided into districts." This was signed by the Chairman of the Legislative Committee of the Washington County Chamber of Commerce.

This bill is nothing new, it is not a new concept; it is being done all over the State of Maine, and I feel that Washington County is still a part of the State of Maine. This just states that we shall be divided into three districts, and the member who is running for county commissioner shall reside in that district and be voted on by the people of that district. I see nothing to disenfranchise anybody anywhere in Washington County, because the districts are equally divided, as equally divided as you can possibly get them.

A roll call being ordered, I hope that you will not support the motion to indefinitely postpone this bill and allow Washington County a chance at the districting concept.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct my colleague from Washington County. I did not say it had not received any publicity; I said it had received little if any publicity.

In reference to the information that he had received no negative reports concerning this bill, when I went back home this past weekend, I made a total of 43 phone calls regarding the districting of Washington County. Out of the 43 phone calls, 35 had not heard of it, 7 had read something on it and one didn't know what I was talking about. I can't blame them there.

Inasmuch as the Washington County Chamber of Commerce has indicated their support for the districting of Washington County, this in itself is not a mandate. This involves a minor number of people, not more than 15 or 20 at the most, as far as the voting on the bill in the Washington County Chamber of Commerce is concerned. I do know that certain members of the Chambers of Commerce and so forth, in that area, are not in favor of this. I talked with them over this past weekend. However, these people who do represent the County Chamber of Commerce have voted so.

True, this is not a new concept, but this is still a democracy and rather than have a change of the county government mandated from Augusta, I think a mandate should come from the people themselves.

Again, ladies and gentlemen, I ask you to support the indefinite postponement.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: This idea of cutting Washington County up into districts, in my opinion, is strictly political and it is for the benefit of a certain group that has been running the county for a long period of time. I don't know why we in Washington County should have to come to the legislature and get a mandate on how we shall live and what kind of districts we shall have or anything else, because we haven't found but only one person who is in favor of districting, the rest are all opposed. There is no question in my mind that it is not suitable for Washington County, even though all the other counties in the state have the same thing in one form or another.

I also think the thing is slightly unconstitutional. You cut it up into districts and you

elect a candidate out of a district, only that district can vote on him, but all the voters in the county are going to pay the taxes to support what that county commissioner does. There doesn't appear to be any way you can do this in a suitable manner. Therefore, I support the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker and Members of the House: I do not support the theory that the districting is not constitutional. I see no reason why taxes should enter into this at all. We know we are going to have to pay our taxes. We here in the House are all elected from single-member districts, or will be, I assume, shortly, and this concept, as I see it, brings the one man-one vote concept just a little bit nearer to the people. The Supreme Court says that you shall have one man, one vote, and I feel that this districting is going to bring it just a little bit closer to the people.

Again, I urge you not to support the indefinite postponement of this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Calais, Mr. Gillis, that L. D. 1359 be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopous, Ault, Austin, Berry, Birt, Boudreau, P.; Brown, K. L.; Brown, K. C.; Byers, Carter, F.; Conners, Cote, Cunningham, Dexter, Dow, Dudley, Durgin, Fenlason, Gill, Gillis, Gould, Hall, Higgins, Hunter, Hutchings, Immonen, Jackson, Kane, Kelleher, Laffin, Littlefield, Lunt, Mackel, Mahany, Marshall, Masterman, McBrearty, McMahon, Mills, Palmer, Pearson, Peltier, Perkins, Peterson, Prescott, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Tarr, Teague, Tozier, Whittemore.

NAY — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Burns, Bustin, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Cox, Davies, Diamond, Drinkwater, Dutremble, Elias, Flanagan, Fowlie, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Henderson, Hickey, Hobbins, Howe, Jensen, Joyce, Kany, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Locke, Lynch, MacEachern, Martin, A.; Masterton, Maxwell, McHenry, McKean, McPherson, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Peakes, Plourde, Post, Quinn, Raymond, Rideout, Spencer, Stover, Theriault, Tierney, Torrey, Trafton, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wyman.

ABSENT — Bunker, Carey, Connolly, Curran, Devoe, Huber, Hughes, Jacques, Jalbert, Lizotte, Lougee, Mitchell, Najarian, Rollins, Talbot, Tarbell, Wood.

Yes, 55; No, 78; Absent, 17.

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

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

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

An Act Concerning the Rules and Regulations of the Board of Construction Safety Rules and Regulations (H. P. 434) (L. D. 541)

Tabled — April 7, 1977 by Mr. Birt of East Millinocket.

Pending — Passage to Be Enacted.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: This L.D. is exactly the same as Section 164 of the Errors and Inconsistencies Bill which is already law; thus, I move that this bill be indefinitely postponed.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the Bill and all accompanying papers were indefinitely postponed.

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

Bill, "An Act to Amend the Vocational Education Laws" (Emergency) (H. P. 1209) (L. D. 1329)

Tabled — April 7, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Engrossed.

On motion of Mr. Lynch of Livermore Falls, retabled pending passage to be engrossed and specially assigned for Thursday, April 14.

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

Bill, "An Act to Limit the Types of Advertising which Public Utilities may Charge to their Ratepayers" (H. P. 1284) (Committee on Public Utilities suggested)

Tabled — April 11, 1977 by Mr. Kelleher of Bangor.

Pending — Reference.

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

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

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Transportation on Bill, "An Act Relating to use of Flashing Red Lights on School Buses when Negotiating Turn Arounds on Public Ways" (H. P. 207) (L. D. 266)

Tabled — April 11, 1977 by Mr. Carroll of Limerick.

Pending — Acceptance of either Report.

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

Mr. CARROLL: Mr. Speaker, I now move we accept the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that the House accept the Minority "Ought to pass" Report.

The gentleman may proceed.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Today we have here one more of our musts in regard to highway safety for our children. Many times, our buses have to turn around; many times, these buses are loaded with children, and I feel every highway safety means possible should be used to be sure that this school bus will not be hit by an on-coming vehicle.

Recently, on Route 25, the East Limington Bridge, so-called, of the Saco River, a school bus came along, it was not a state school bus, and proceeded with caution to cross this river. A car was coming in the other direction, they stopped; there was a tank truck coming from the rear, hit them, pushed them half way across the bridge with a load of about 26 children, the tanker truck took off one side of the bridge, and there is a drop there of about 35 or 40 feet, and he is loaded with children, he could have gone over the bridge.

Now, I am for all the safety means possible for all our school buses, and I am for these buses having the right to use these flashing red lights when they are turning around. After all, you realize a school bus is used to haul our most precious product. There is no way possible you can replace that product on the face of this earth if you should lose a child in a school bus accident. I am sure that you agree with me that every means possible should be used to safeguard the safety of a school bus when it is on a highway and when this bus has to turn around.

I hope you will join with me and give this minority "ought to pass" report your vote.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and I ask you to support the minority report, "ought to pass." All I ask for is the red flashing lights. Those lights are presently on the school buses, and I am asking for you to allow the school bus driver to turn those flashing lights on when he is making a turnaround on a highway.

I feel as Representative Carroll feels, that this would be an added safety measure and one we should not overlook. The law once allowed the school bus driver to use these flashing lights, but that law was changed because of angered motorists.

My main concern is the safety of the students who ride on that school bus, and I would like to remind you that school buses have gotten larger, they have grown from 66 passengers to 84 passengers: Think about the size of that 84 passenger bus for a moment. Turn arounds are difficult for bus drivers, and the turnover of bus drivers themselves is great. A bus driver's position is low paying and as Representative Sprowl indicated earlier, there are problems with getting qualified bus drivers, and we should provide them with every opportunity to give a safe trip to school and from school for our children who are riding on those buses.

If for a moment you will look at the signers of the "ought not to pass," you will see that it represents the heavily populated areas of our state, those areas where you could go around the block and turn that bus around. But I represent the rural bus drivers who don't have a block in which they can turn their bus around, and sometimes they don't have a turnaround, sometimes the weather conditions are such that turnarounds become difficult.

My opposition claims that using the red flashing lights creates doubt in the motorists' minds. They claim that it angers the motorist and he doesn't know if he should stop or not. Well, a red light, whether it is flashing or not, to me always has meant stop, and in my mind there is no question about that.

I ask you to consider the minority "ought to pass" report.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I signed the majority "ought not to pass" report, and I differ with the kind gentelady. The Town of Limestone is not too heavily populated; in fact, probably a lot less than a lot of communities around here.

The reason I signed the report is this: Number one, if you will visualize, please, a school bus coming to a stop, making a left turn, proceeding to a 180 turn to go back in the opposite direction. There is a great majority of that turn that the red flashing lights are not even seen. During the time this turn is being negotiated, if an individual in an automobile or a truck or a motorcycle or whatever cannot see anything the size of that school bus painted normally black and yellow, then he wouldn't see the red lights, believe me.

Another thing, traditionally, the red flashing lights have always meant to the average motorist that there are children either getting off the bus or getting on the bus, and I don't think that we should take away from this idea, because where do we stop? Next, every time you want to turn right, you turn your red flashing lights on; if you stop for a railroad crossing, do you do the same thing? We are going to open the door and I think traditionally when you see the red flashing light, it should mean there are children getting on that bus or getting off that bus. It has a clear meaning and it should stay that way.

I hope that you will accept the "ought not to pass" report.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I know what a flashing

red light means; I have rode behind them for quite a few years. As far as this idea here is concerned, I think this is an additional precaution against an accident happening.

I don't know how many of you have been down in my section of the state, but we have land fogs down there that don't burn off before ten or ten-thirty in the morning, if they go at that time, it is closer to noontime. When you have got all those outlying buses going out there 30, 35 and 40 miles and picking up children and the bus has to turn around, I would like to have you visualize something that has happened to me traveling to Augusta here early in the morning to be at a session and top off a hill in the fog and there is a bus right across the road with no lights at all. It is my opinion that if they had flashing red lights on when they are making a turnaround, at least the motorist who is unfamiliar with the road and doesn't live in that section of the county has got a chance and a warning, because on a foggy morning, flashing red will show through the fog. If you haven't got it, you stand a chance of being crashed.

I strongly support the motion of the lady from Hampden, Mrs. Prescott, that we change this thing around and pass this thing and have these flashing red lights. I would like to see the bus protected and I would like to see the kids protected on that bus that have been picked up. I have had about eight years of one down in my town going around a very bad hill and it is just now being repaired after 10 years of trying to get that road corrected. If you want to see a bus on a foggy morning on ice, you want to go around what is known as Snob Hill in Eastport and meet one of them things riding sideways at you and no place to go, not even a ditch to go into.

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the Minority "Ought to pass" Report be accepted. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 14 having voted in the negative, the motion did prevail.

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

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

HOUSE DIVIDED REPORT — Report "A" (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-122) — Report "B" (4) "Ought to Pass" as Amended by Committee Amendment "B" (H-123) — Report "C" (1) "Ought Not to Pass" — Committee on Education on Bill "An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to the Teaching of Maine Studies" (H. P. 158) (L. D. 196)

Tabled — April 11, 1977 by Mr. Connolly of Portland.

Pending — Motion of Mr. Lynch of Livermore Falls to Accept Report "A", "Ought to Pass" as amended by Committee Amendment "A" (H-122)

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of L. D. 196, a bill to allow the teaching of Maine studies in the public school system. I sponsored this bill initially on behalf of the Department of Education. I selected it in January and being new down here, I wasn't looking for a controversial bill, but I sponsored it with the assurance that it would not be controversial. It has increasingly become controversial as the weeks have gone by. We now have before us three different reports, and I can only say that I wish it was possible to simplify the issue of educational funding as easily as it was to complicate this particular bill, because if it were, we would be able to solve our problems.

I would just bring to your attention the two reports. Report "C", by the way, is "ought not to pass" so I would just like to deal with Committee Amendment "A" and Committee Amendment "B" to the bill. Committee Amendment "A", if you will notice number seven, and this has a filing number of H-122, if you will read down about the fourth line from the bottom, it says "the privileges and responsibilities of citizenship and a free enterprise system." If you will compare that to the wording on Committee Amendment "B", you will find on the second page that it says "the declaration of independence, the privileges and responsibilities of citizenship and Maine studies," and it goes on to describe what Maine studies are. The major difference in these two reports is the inclusion in Committee Amendment "A" of the free enterprise system.

I would like just a little historical narrative, if I may, Mr. Speaker. The Committee on Education, a few weeks ago, unanimously, and I wish you would take note of that, unanimously reported "ought not to pass" on a bill presented by the gentleman from Rockland, Mr. Gray, to mandate the teaching of the free enterprise system in the public schools. This report was unanimous "ought not to pass." It was not a partisan issue; there was the unanimous feeling that this bill should not pass. One of the major reasons was that it was another mandate, and it was the feeling that we have enough of those, perhaps too many already. But another reason was that it was going to be very difficult to mandate the teaching of something such as the free enterprise system, just as it would be very difficult to mandate the teaching of patriotism, the teaching of Americanism; these ideas cannot be taught. They can be experienced and certainly the free enterprise system is the greatest system ever devised by man, the greatest economic system, and I am proud to be a part of it, as I am sure each one of you are.

But the question before the committee was, who will teach the free enterprise system? Who is qualified to teach it in an objective manner? Would it be Milton Friedman, John Kenneth Galbraith, William Simon, George Meany, Arthur Burns, Leonard Woodcock, Jim Tierney or Wayne Gray? You can see that teaching of the free enterprise system would have, in this House, about 151 different interpretations. I don't think that should depreciate in any way the importance of teaching the free enterprise system in schools, and I believe that under Committee Amendment "B" on the bill, you will notice that it would mandate the teaching of American History, American Government and economics.

I would submit, ladies and gentlemen of the House, that if we are going to mandate the teaching of the free enterprise system, my philosophy of education tells me that we should also mandate the teaching of socialism and comparative economic systems around the world if young people are going to have a good understanding. I happen to believe that the more understanding young people have of the alternate economic systems, the more they are going to appreciate the one that we have in this country.

I believe in education, I believe in the freedom of ideas; I do not believe in propaganda and I do not believe in inculcating young people with any false ideas about how the system works.

I do believe that this is really an end run. I don't know much about football, but I think that is what they call this, because we did report out unanimously "ought not to pass" on this bill and it is back very suddenly in the form of an amendment.

I would ask you, ladies and gentlemen to defeat the motion to accept Report "A" so we will be in a position to adopt Report "B". I will close only with a quote I think is appropriate for

this occasion from John Milton. He wrote in this treatise on freedom of the press, "Though all the winds of doctrine were let loose to play upon the earth, so truth be in the field. We do injuriously, by licensing and prohibiting, to misdoubt her strength. Let her enfalse her grapple. Who ever knew truth put to the worst in a free and open encounter?"

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

Mr. LYNCH: Mr. Speaker, I would like to say that the bill that was sponsored by Representative Gray, it was my impression and my understanding that we would pass that out as "ought not to pass" because we did have a Maine Studies bill to work with.

I would also suggest that the free enterprise system should not only be taught in the elementary and secondary grades, I would like to see all members of Congress, all members of all state legislatures, be exposed to a course in the free enterprise system because it is being slowly strangled to death by laws upon laws upon laws and by taxation, and it is only a question of time before we go the route of many other so-called civilized systems. You can go just so far and then it becomes either totalitarian or completely busted.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I was brought up to believe that there are two issues which you cannot win in an argument; one of them is politics and the other is religion.

It is true that I introduced the bill which would require the teaching of the free enterprise system in our schools; however, the bill was defeated in committee. The committee came out with an amendment and they changed the language which says that the privileges and responsibilities of citizenship in a free enterprise system, and this includes, as I interpret it, to mean voting participation and those things that makes a good citizen in our free enterprise system.

Now, the gentleman from Pittsfield, his only objection to this was the fact that we are mandating; yet, his bill that he introduced mandated the study of Maine studies in our schools, and I certainly don't object to this.

To enlarge just a little bit on mandating, I recall last week when he argued very vigorously for mandating a minimum wage for substitute teachers. If we want to be honest with ourselves about mandating subjects, then we ought to do away with all mandating to the local level, not just select certain subjects that we may find repulsive.

We hear and read about the privileges and responsibilities or lack of privileges in human rights in some countries of the world today. The words free enterprise are objected to by the leaders of these countries too, and, of course, President Carter is making an issue out of this nearly every day.

The language is clear as to what form of government we mean when we talk about the rights and privileges of citizenship, so this is why I would urge you to support Report "A," which was signed by seven members on the Education Committee.

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

Mr. DAVIES: Mr. Speaker, I would pose a question to the Chair. Pursuant to Rule 4 of the Joint Rules, is House Amendment 122 properly before us?

The SPEAKER: Committee Amendment "A" in L.D. 326, to which the gentleman from Orono, Mr. Davies, makes reference, L.D. 326 specifically refers to instruction on the free enterprise system in the free public high schools of the state. Committee Amendment "A" deals with curriculum of public and private schools, both elementary and second-

dary; therefore, the Chair would rule that the Committee Amendment is germane.

The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I guess it is no secret now, you all saw my name all by myself on the "ought not to pass" report. I am not opposed to the teaching of any of the program listings that we see now, but my decision not to support the bill is demonstrated in the differences in the two amendments you have before you; one includes the free enterprise system, the other one does not.

At one point in committee when we were talking about this bill, words political science were in there; now they are out, and when I saw that such debate could be generated at the committee level, I figured, what is going to happen if this thing passes and it goes out to the superintendents and the teachers who are going to have to implement it?

I also have to be concerned about the cost involved. You talk about teaching a free enterprise system. That sounds great, but you need materials, you need to prepare teachers to teach it objectively, you are going to be looking for films and those cost money. And here we are today, not knowing whether we are going to have enough dollars to keep the teachers and the programs that we have now intact for next year. Yet, some supporters would say that you have to go further and expend more money to carry out a comprehensive program. That bothers me.

We have current law on the books that mandates the teaching of Maine studies. Most school systems in this state teach consumer education. There are some schools where you can walk in and see a third grade tell you more about the apple industry, because they do study industry, the free enterprise system, than some of the people involved in the industry know themselves. I feel what we have on the books is sufficient; let's not mandate or try to expand programs when we don't know if we have dollars to keep what we have now going.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: As I understood the discussion that developed in the Education Committee is that the problem was as to when and where and how much time would be spent on teaching the section on Maine history. The language presently in the law says that a course in history, geography and the natural and industrial resources of Maine shall be taught in at least one grade from 7 to 12 in all school systems, both public and private. This mandates a course somewhere in there; but it doesn't say whether it will be a one-day course, a one-week course, a nine-week course or a whole year's course.

I think what the committee attempted to do in the majority report, the one that you presently have before you, is to set up some general guidelines for what would be the basic courses taught in the schools. And the language in the amendment doesn't indicate that it has to be a particular course. It indicates that in the teaching of American history and government, there shall be included discussion of the philosophy of the Constitution, the Declaration and the privilege and responsibilities of citizenship in a free enterprise system. This does not mandate a new course in any way. It doesn't mandate that some other course be replaced by this one. What it simply says is that in the teaching of history and government, you will include this subject area.

I think the intent of the committee was completely right in doing what they did do in not passing the other bill on the free enterprise system, because this would have required

another course and they would either have to have extended the day or they would have to drop out some other course.

I think what is involved here is trying to develop the broad philosophy of what the subject matter will be in teaching in this area.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: This bill has become one of the — and I don't mean to demean anybody personally — but one of the stupidest issues that has come before this legislature.

Representative Wyman puts in a bill that says we should include to be taught within our Maine school system the teaching of Maine, Maine's history, Maine's politics, Maine's economics, Maine's whatever, and the committee said, that is a great idea, we agree with you.

Representative Gray comes down with another bill that says, we also think you should include mandating the teaching of the free enterprise system, and that is what the difference is between Report A and Report B. Report A would require that you teach about the free enterprise system. And the issue, as Mr. Birt and Mr. Lynch have explained it, who is going to teach it, etc. and how many hours, that was one valid objection to Committee Report A. But another objection as I saw it, and I guess I probably feel this more strongly than other people on the committee, that it was simply an attempt by some people to wave the flag.

Representative Laffin and myself, earlier in the session, attempted to introduce resolutions dealing with the subject of amnesty. Mr. Laffin's position was quite the opposite of mine and leadership denied me the privilege of introducing that through the Reference of Bills Committee, or with leadership's approval, meaning that I would have had to get two-thirds. My first reaction to that was to be ripped off. I was really angry about it, but the more I thought about it, I understood that the position of leadership was one that there is nothing the Maine legislature can do with the question of amnesty other than speak about it, I accepted their decision and I didn't push it. That is exactly what Representative Gray is doing with this issue.

The bill says that you have to teach history, the history of what? The history of the United States and of Maine. The economics of what? The politics of what? Not the politics of Cuba or the politics of the Soviet Union, the politics and the economics of Maine and of the United States. That is what this bill addressed. If you go with Report A, fine, nothing is going to change, the course of studies isn't going to be any different in schools, but it is just an attempt by some people who like to get in a jab once in awhile to give it to us again.

I would hope you would accept Report B.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: If you will look at both amendments, there are two purposes here. One is to remove obsolete language and require that Maine studies be taught in all schools. The second sentence says, "Local officials are given freedom to decide how and when these studies will be offered." If they are taught right, they are taught from kindergarten right through Grade 12. They are given in a specific course. You are taught in the early grades some Maine geography. You are taught in the early grades some of Maine's economics.

Local curriculum is set up, and what disturbs me is what seems to be a concerted effort to throttle free enterprise, a concerted effort for the state and the federal government to take over everything.

Who is going to carry on the industrial and business activity in this state when they are being throttled so much that many of them are opting out or working just a few months a year?

How many people in industry are so disturbed by the conditions under which they have to work that they are seeking early retirement, and all because of laws devised by people who are going to find it very difficult to live without some of the workers providing economic growth and stability in the state?

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to a couple of remarks that were made. First of all, I have the greatest respect for my good friend from Livermore Falls, the Chairman of our committee, Mr. Lynch, but I would take issue with him when he says that this is an attempt to throttle free enterprise, because I happen to believe in the free enterprise system as much as anyone here. As I have said, I think that no system ever devised has ever improved on the free enterprise system.

Also, in response to Mr. Gray, he said my chief objection was mandating. That was one of the objections I raised and it was also one of the objections that the committee raised in reporting his bill out — "ought not to pass." But the biggest objection I have to including the free enterprise system, first of all, I think it is unnecessary. We are already teaching American government and American history. But primarily I object because I see this as an attempt to copy the approach and the philosophy of education that other systems which are more rigid, primarily the Soviet system in other Communist states, to simply inculcate their young people with what they want them to know and to put a very explicit impression on the way things are, and a lot of times the way things are taught is not really the way things actually are in practice.

It seems to me, ladies and gentlemen, that our system is strong both in the State of Maine and in our country, because we have not been afraid to have a free exchange of ideas. We have not been afraid to teach our young people comparative political systems, and I think we should not be afraid to teach them comparative economic systems.

I would submit, ladies and gentlemen, that the gentleman from Rockland, Mr. Gray, would take very strong objection to certain people in this assembly teaching the subject of free enterprise, because it didn't conform to what his interpretation was. I believe he had intent, in sponsoring the legislation initially, was his concern that there are too much socialistic tendencies in our society, and that may in fact be true, but I believe the answer is not to mandate the teaching of a certain philosophy that is so much subject to controversy. I think it has a free exchange of ideas and to allow people and to teach, especially our young people, to think for themselves so they will know what they believe and know why they believe it. This is important if our democracy is to flourish and if in fact the free enterprise system is to flourish. In order to be able to distinguish truth from falsehood, we must first of all understand what is true and what is false.

Mr. Speaker, I would ask that when the vote is taken on this motion that it be taken by the yeas and nays.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: The opponents of Report A are not arguing so much against the amendment, they are directing their arguments toward the original bill, which is L.D. 326, the bill that I presented before the Education Committee. I would like to read you the Statement of Fact. "This bill requires that the free enterprise system be taught in all Maine public schools as used in Title 20, Section 1222-A. Free enterprise means a free economic system characterized

by private or corporate ownership of capital goods by investments that are determined by private decision rather than by state control and by prices, production and the distribution of goods that are determined in a free manner."

This bill was defeated in committee, so we are not arguing about that, but this is what they are directing their arguments against, the original bill, L.D. 326. We are talking about the Committee Amendment which says very distinctly that we are talking about the privileges and responsibilities of citizenship in a free enterprise system. So we are talking about instructions to students on voting; running for public office, engaging in civic functions; we are not talking about economics.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that Report "A" be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bagley, Beaulieu, Berube, Biron, Birt, Boudreau, A.; Brown, K. C.; Burns, Byers, Carrier, Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Diamond, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Hickey, Higgins, Hunter, Hutchings, Jackson, Jalbert, Joyce, Kany, Laffin, LeBlanc, Lewis, Littlefield, Lizotte, Lunt, Lynch, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McKean, McMahon, McPherson, Moody, Morton, Nelson, M.; Nelson, N.; Norris, Palmer, Peterson, Plourde, Prescott, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Twitchell, Tyndale.

NAY — Bachrach, Bennett, Benoit, Berry, Blodgett, Boudreau, P.; Brennerman, Brown, K. L.; Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Dow, Dutremble, Elias, Flanagan, Fowle, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hobbins, Howe, Huber, Hughes, Jacques, Jensen, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, Locke, McHenry, Mills, Mitchell, Nadeau, Najarian, Peakes, Pearson, Peltier, Post, Quinn, Spencer, Talbot, Tierney, Tozier, Trafton, Truman, Valentine, Wilfong, Wyman.

ABSENT — Austin, Bunker, Gauthier, Immonen, Lougee, MacEachern, Mackel, Perkins, Whittemore, Wood.

Yes, 78; No, 62; Absent, 10.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty-two in the negative, with ten being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-122) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill, "An Act Increasing the Pay for Substitute Teachers" (H. P. 186) (L. D. 248)

Tabled — April 11, 1977 by Mr. Birt of East Millinocket.

Pending — Passage to be Engrossed.

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

Mr. LYNCH: Mr. Speaker, I now move indefinite postponement of L. D. 248 and all its

papers and I ask for a roll call and would speak very briefly.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that this Bill and all its accompanying papers be indefinitely postponed and requests a roll call vote.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I know that we are all sympathetic to what people receive for the work they are doing, but before you vote on this bill, I would like to have you understand that by accepting this bill you are increasing the total cost of education at a time when we are struggling to find a solution to our present problems.

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

Mr. BAGLEY: Mr. Speaker, a point of order. Is an amendment in order at this time?

The SPEAKER: The Chair would answer in the affirmative.

Mr. Bagley of Winthrop offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-134) was read by the Clerk.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment reduces the pay to \$25 a day instead of \$30 as it was in the original bill. That \$25 a day, the average pay, according to the State Department of Education, for substitute teachers is in the vicinity of \$23. There is a provision in town after town after town that if a substitute teaches 10 days or more, the substitute goes on the regular schedule retroactive to the day of beginning, which means that many substitute teachers do not cost the towns a cent more than they would under this bill because they went back to a pay higher than this retroactively. With an average of \$22 to \$23, my \$25, I am ashamed to put in such a small amount, but with all the opposition we have had to raising it to \$30, I thought that the \$25 would be better than nothing.

I certainly hope you will defeat the motion to indefinitely postpone and then pass this bill with a figure of only \$25 a day on it.

Thereupon, House Amendment "B" was adopted.

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

Mr. LYNCH: Mr. Speaker, I now move the indefinite postponement of this Bill and all its papers.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that this bill and all its accompanying papers be indefinitely postponed. The Chair will order a vote. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Bagley of Winthrop 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 Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: Two things concern me that I wish you would consider before you vote to indefinitely postpone this bill. One, you have to decide whether or not you think a certified teacher is worth \$25 a day as opposed to the current law which says \$20 a day, that is your first decision. The second thing that concerns me, I heard it said today and in previous debates, that you are voting for an increase in

the cost of education. I would like you to ask yourselves this question. It is very easy to sit up here and say we are not going to increase the cost of education, but what you are doing is, you are subsidizing education by underpaying substitute teachers.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I rise to support the indefinite postponement of this bill and accompanying papers. It seems to me a little ironic that just a few minutes ago we were talking about the wonders of the free enterprise system and here we are establishing minimum salaries for a certain class of professionals who happen to be non-union and it is directly interfering with the free enterprise system. It seems to me if we are going to do it for one class of non-union professionals, then we ought to be legislating minimum salaries for every other non-union professional group.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I respectfully disagree with the point of view as put forth by my seatmate from Portland, Representative Najarian. I agree with the position taken by Representative Bagley and Representative Mitchell. You should understand that there already is a law on the books that says substitute teachers shall receive a minimum wage of \$20 a day. That is already the law; nobody ever, since I have been in this legislature, has sought to have that law repealed as far as I know.

Representative Bagley presents the bill to raise that minimum wage from \$20 a day to \$35 a day. When he spoke at the committee hearing, he felt that the minimum wage should be even higher, but he said he would settle for \$35. There was disagreement within the committee, and the committee reported out a \$30 minimum wage, and then when it came on the floor of the House, Representative Bagley, in a last attempt to save the bill, feeling that the minimum wage should be increased, a law that is already on the books, the concept that we already endorse, says that the minimum wage should be increased from \$20 a day, and that was set in the year 1969, to \$25 a day. If you don't think that is a modest increase, given the cost of living, etc., then I think you should support the indefinite postponement of the bill, but if you do believe that there should be an increase, then you would vote against that and support Representative Bagley.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: The next to the last speech was against mandating figures, prices. It seems to me that we mandate a minimum wage for a lot of people who are non-union as well as union. We mandate what people have to pay in many lines of work, and there is a bill in at the present time to even increase that mandated minimum wage. Certainly, no one will vote for an increase in a minimum wage for anyone if they will not vote for a \$5 increase in the minimum wage for teachers.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: What I am opposed to is the hypocrisy of setting a minimum wage for substitute teachers and, on the other hand, decreasing the uniform mill rate and passing back to the local property tax an increase on the local burden.

If you are going to mandate higher substitute salaries, then put state dollars behind it. Don't be generous and give something without funding it.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I want to remind you that the minimum wage of \$20 was on the books before we passed out the present school funding law.

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

ROLL CALL

YEA — Alopis, Austin, Beaulieu, Berube, Biron, Birt, Boudreau, A.; Brown, K. L.; Brown, K. C.; Burns, Byers, Carey, Carter, D.; Carter, F.; Conners, Cote, Cunningham, Devoe, Dexter, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Garsoe, Gauthier, Gill, Goodwin, H.; Gray, Henderson, Higgins, Hobbins, Huber, Hunter, Hutchings, Jacques, Jensen, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, Littlefield, Lizotte, Lunt, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McHenry, McMahon, McPherson, Mills, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Silsby, Smith, Sprowl, Stover, Strout, Teague, Theriault, Torrey, Twitchell, Tyndale, Valentine, Whittemore.

NAY — Ault, Bachrach, Bagley, Bennett, Benoit, Berry, Blodgett, Boudreau, P.; Brennerman, Bustin, Carrier, Carroll, Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Dow, Elias, Fenlason, Flanagan, Fowle, Gillis, Goodwin, K.; Gould, Green, Greenlaw, Hall, Hickey, Howe, Hughes, Immonen, Jackson, Jalbert, Joyce, Kany Laffin, LeBlanc, Lewis, Locke, MacEachern, Mahany, Martin, A.; McBrearty, McKean, Mitchell, Moody, Peakes, Pearson, Plourde, Post, Prescott, Quinn, Shute, Spencer, Stubbs, Talbot, Tarr, Tierney, Tozier, Trafton, Truman, Wilfong, Wyman, The Speaker.

ABSENT — Bunker, Lougee, Tarbell, Wood. Yes, 80; No, 67; Absent, 4.

The SPEAKER: Eighty having voted in the affirmative and sixty-seven in the negative, with four being absent, the motion does prevail. Sent up for concurrence.

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

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

Tabled — April 11, 1977 by Mr. Bustin of Augusta.

Pending — Motion of Mr. Nadeau of Sanford to Indefinitely Postpone bill and all accompanying papers.

Mr. Burns of Anson requested a vote on the pending motion.

The SPEAKER: All those in favor of this Bill and all its accompanying papers being indefinitely postponed will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. 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 Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: As you all probably realize, this is the bill we argued the other day

and it was passed by a good margin. I don't understand quite why it has been turned around today.

I would just like to remind you that the intent of this bill was to provide better administration of county government without requiring that the commissioners will have to take the money for the administrator out of their salaries. I don't think you would ever get somebody to hire help if he had to take the money out of his salary. In any case, the county budgets are, as I hate to say again, set at an overall sum of money to be spent and the money would have to be found within the confines of the budget. But to penalize people for improving the administration of county government, I think, is a move in the wrong direction and I hope that you will support the bill and not the motion to indefinitely postpone.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: The bill almost went by the wayside — I was hoping.

I feel this bill does not have any merit. I believe in the law the way it is presently written. In my own town, we have three full-time selectmen who make approximately \$11,400 a year apiece. If we were to hire a town manager, I don't think the people here would allow to them to keep their present salary.

We have many other boards that make only \$25 a day if they have someone to run, especially on the county level, if you have a county administrator.

I would hope you would vote to indefinitely postpone this lousy bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: We discussed this bill the other day. It is simply a matter of home rule. If the county delegation wants to reduce the salaries of the commissioners when they hire or if they hire an administrator, then they are perfectly free to do so. There is nothing to prevent the delegation from controlling the counties. So, again I ask, let's leave home rule where it belongs, back home, and handle our matters here in Augusta, and God knows, we have got enough to take care of.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I must take issue with the good gentleman from Brewer. I don't believe this is a matter of home rule at all. How many salaries ever get reduced? How many times does a town or city government hire a CETA employee and put him in a slot and then at the end of that employee's year, come back to the legislative body and say, well, we have to fund this man, we don't want to turn him out of a job. I really reject the motion that this is home rule.

I believe that until this legislature is willing to assign county government additional responsibilities over and above the few they now have, we should keep the present law intact and defeat this bill today which repeals that law.

A previous legislature took away some of the few duties the town commissioners have, those pertaining to county roads. Except in the unorganized areas, the county government is now out of the road business after all these years since statehood, which was originally their primary function, to lay out roads. In fact, we have only left them the care of the county buildings, preparation of the budget and certain appeals duties through municipalities.

I would pose this question to you, what if this bill were to pass and then some future legislature would pass a law providing for five or seven member boards of commissioners? Do you think it would be possible at that point in time to reduce or eliminate the position of manager once it is already in place? I doubt it.

I just repeat, to retain their salaries, for county commissioners to retain their salaries, full salaries, and hire an administrator to do their work for them really, to me, is ridiculous, and I hope this bill is indefinitely postponed.

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

Mr. LaPLANTE: Mr. Speaker and Members of the House: There has been much concern in the House here expressed about budgeting and fiscal responsibility and everything, and also, last week when I presented my amendment to this bill, a concern was expressed by the good gentleman from Anson, Mr. Burns, when he spoke against my amendment, in that my amendment would possibly allow in the future a delegation to come into the legislature and request a \$20,000 salary for county commissioners. If you enact this bill and you see the title of it which says, "To remove the restrictions on the salary of county commissioners," that is exactly what could happen.

I hope that those who supported Mr. Burns argument would certainly vote to defeat this bill, because that is a concern. I don't believe there are any delegations that would reduce their county commissioner salaries because this is a political issue.

Now, how can you allow taxpayers to pay full-time pay for commissioners, full pay for county administrators and also pass a bill which was passed in the House last week, which I approved of because of the original law as it was written on the books, and that is to also pay mileage and per diem for county commissioners? How much do you wish the taxpayers to pay? I would certainly hope that we support the motion to indefinitely postpone L.D. 394.

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

Mr. NORRIS: Mr. Speaker, in answer to my good friend, Mr. McMahon, I don't see that this bill will have any bearing at all on whether you increase the number of county commissioners or not in the future; this would have nothing to do with that any more than it would have anything to do with if a delegation wanted to raise the salary to \$20,000, as my good friend just mentioned, it has nothing to do with that at all. It simply has to do with whether or not the county commissioners court would hire a full-time administrator. As I understand it, in some counties now they are doing that and calling them a clerk and going around the law anyway.

I simply say that in Penobscot County, all of the members of my delegation spend the time and trouble to work with the commissioners and try to iron out our problems, and that is all we are asking, the right to have the local control to do our job as we are structured to do under the Constitution.

I shouldn't say it, but apparently in some other counties there is always a lot of pulling going on and dissatisfaction and everybody is upset, or one member is upset with the majority of the delegation and it keeps spilling over into Penobscot. All we want to do is have a chance to run our county in a business like fashion and be left alone.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will go along with the pending motion for the indefinite postponement of this L.D. I don't know about other counties, but I do know from the experiences in my own county, yes, we do have a good group of county commissioners, but at the same time, the county commissioners only meet once a month. They get paid over \$2,000 a year. You break that down and they get paid approximately \$150 a day, they meet once a month, and that meeting usually lasts three or four hours. So you break that down and that is about \$40 an hour. I wish I could receive \$40 an hour for that amount of work.

Likewise, in addition to that, they do hire a

full-time county clerk. All it is is just a matter of simple terminology, that is all, just labeling. Therefore, Mr. Speaker, ladies and gentlemen of the House, I hope you will go along with the indefinite postponement of this bill.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I have to agree with Mr. McMahon. If we are going to hire someone to do the work of the county commissioners, we certainly shouldn't pay two people for doing it.

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

Mr. HUGHES: Mr. Speaker, I favor this bill and would speak in favor of it. What this does is tie the hands of the local county delegation. We may, indeed, want to make larger cuts in their salaries if the county does hire an administrator, we may want to make smaller cuts, but we ought to be willing, as individuals, to stand on our own two feet and make that decision in the county delegation. I am not afraid to make that vote and I don't think many of us are. If this many people are dissatisfied with the salaries your commissioners are getting, and if you just finished voting to set those salaries, I don't know why those votes didn't reflect your true feelings.

Let's leave some flexibility to the county delegations and favor this bill.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I have to rise on one point and make a couple of other comments. The fact that the county commissioners only meet one day per month, this may be true in some counties, but in Somerset County, they are scheduled to meet one day a month but they are meeting at least one day a week and traveling the entire length, on occasion, of Somerset County, and Somerset County is 200 miles long. I believe our county commissioners are earning their salary.

We had ample opportunity to take a crack at the commissioners' salaries in L.D. 552, and that was done. I think the legislature is perfectly capable of rearing up and saying no, when they mean no, and changing anything.

I concur that the legislative delegations here in the House and the other body have the authority to curb the salaries. I go against the indefinite postponement of this bill.

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

ROLL CALL

—YEA — Alopis, Austin, Berry, Berube, Biron, Blodgett, Boudreau, P.; Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Cunningham, Curran, Davies, Devoe, Diamond, Dudley, Durgin, Dutremble, Elias, Fowlie, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Green, Hall, Hobbins, Huber, Hunter, Jacques, Joyce, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, MacEachern, Mackel, Mahany, Martin, A.; Maxwell, McHenry, McMahon, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Post, Prescott, Raymond, Rideout, Shute, Silsby, Smith, Stover, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong.

NAY — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Birt, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Byers, Carter, F.; Churchill, Connors, Connolly, Cote, Cox, Dexter, Dow, Drinkwater, Fenlason, Flanagan, Gill, Gillis, Gould, Gray, Greenlaw, Henderson, Hickey, Higgins, Howe, Hughes, Hutchings, Immonen, Jackson, Jalbert, Jensen, Kane, Kany, Kelleher, Kerry, LeBlanc, Littlefield, Locke, Lunt, Lynch,

Marshall, Masterman, Masterton, McBreairty, McKean, McPherson, Morton, Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Quinn, Rollins, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Twitchell, Wyman.

ABSENT — Bunker, Lougee, Tarbell, Wood. Yes, 69; No, 77; Absent, 4.

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

Mr. McMahan of Kennebunk requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be enacted. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Beaulieu, Bennett, Birt, Boudreau, A.; Brennerman, Brown, K. L.; Brown, K. C.; Burns, Byers, Churchill, Conners, Connolly, Cote, Cox, Dexter, Dow, Drinkwater, Elias, Flanagan, Gill, Gray, Greenlaw, Henderson, Hickey, Higgins, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Kane, Kany, Kelleher, LeBlanc, Locke, Lunt, Marshall, Masterman, Masterton, McBreairty, McKean, McPherson, Morton, Nelson, M.; Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Rollins, Spencer, Sprowl, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Twitchell.

NAY — Aloupis, Austin, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, P.; Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Cunningham, Curran, Davies, Devoe, Diamond, Dudley, Durgin, Dutremble, Fenlason, Fowlie, Garsoe, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Hall, Hobbins, Huber, Jacques, Joyce, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, MacEachern, Mackel, Mahany, Martin, A.; Maxwell, McHenry, McMahan, Mills, Mitchell, Moody, Nadeau, Najarian, Post, Prescott, Quinn, Raymond, Rideout, Shute, Silsby, Smith, Stover, Strout, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong, Wyman.

ABSENT — Bunker, Lougee, Lynch, Nelson, N.; Wood.

Yes, 69; No, 76; Absent, 5.

The SPEAKER: Sixty-nine having voted in the affirmative and seventy-six in having voted in the negative, with five being absent, this Bill fails of enactment.

Sent to the Senate.

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

"An Act Relating to Payment of Expenses for Examination of Crime Victims" (H. P. 329) (L. D. 420) (C. "A" H-91)

Tabled — April 11, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage to be enacted and specially assigned for Thursday, April 14.

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

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

Tabled — April 11, 1977 by Mr. Kelleher of Bangor.

Pending — Enactment.

On motion of Mrs. Trafton of Auburn, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentlewoman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-136) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, I wonder if we might have an explanation of what the amendment does. It adds new language here and I wondered if the gentlelady would explain what it does?

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment gives the department a little more flexibility in terms of arranging for payments for the child with very severe needs. As of now, the way the bill stands, they can only pay up to 80 percent of audited costs. This would allow the department the flexibility within their existing monies to make special arrangements for that child who has burned out every foster home — to use the department's terminology — and also has gone through all the private facilities that the state now reimburses.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the amendment that has been offered here by Representative Trafton. I cosponsored the bill with Mr. Kerry of Old Orchard. There is a self-destruct clause in it and I would hope that the Health and Institutional Services Committee, or maybe even the Appropriations Committee would submit an order to deal with these cases. I was reluctant in doing it until there was an agreement made on the self-destruct clause. They do have some problems with youngsters in placement in foster care homes. There is a necessity for it. The self-destruct clause, I believe, takes effect March 1 of 1978. Hopefully, the Health and Institutions Committee or even the Appropriations Committee can come up with some resolve in putting a standard law on the books dealing with these youngsters.

Thereupon, House Amendment "A" was adopted.

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

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

Bill, "An Act to Permit Snowmobiling on the Entrance Road of Baxter State Park" (S. P. 404) (L. D. 1387)

Tabled — April 11, 1977 by Mr. MacEachern of Lincoln.

Pending — Motion of Mr. Blodgett of Waldoboro to Reconsider Reference to Committee on Fisheries and Wildlife.

Mr. MacEachern of Lincoln requested a roll call vote.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: This issue before us this morning is not a question of snowmobiles, it is a question of the use of Baxter State Park and the proper reference that a bill should be put into.

The park service is under the Department of Conservation and would naturally be supervised by the rules and regulations of this committee, both legislative committee and the Department of Conservation. I would urge you to consider

seriously the business of putting these various bills back and forth into committees that they don't belong in. It should be referred to the Committee on Natural Resources and I would urge you to do so.

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

Mr. MacEACHERN: Mr. Speaker and Members of the House: I disagree strongly with the gentleman who just spoke. This is a snowmobile law. Traditionally, snowmobilers have been able to use the park up until a few years ago when three men, members of the commission, made a regulation that they couldn't use it any longer. The bill only provides for the use of the perimeter roads in the park. There is no conservation problem with this. I can't see any reason why it should go to Natural Resources. This Fish and Game Department is going to have to enforce the regulations, and I urge you to defeat the motion before you.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: There seems to be a division of thought here, and I would like to call your attention to the fact that all these snowmobile regulations, the enforcement and everything else, has been put in the Department of Fish and Game several years back. This will be just another one of those typical regulations which will have to be enforced by the game wardens. The Natural Resources don't have wardens or anything else, and I think that is where it should go, Fish and Game.

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

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

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you just before you register your vote, Natural Resources has no way of policing snowmobiles, it is done by the Fisheries and Wildlife.

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

Mr. BLODGETT: Mr. Speaker and Members of the House: Using the argument used here, possibly we should have this referred to the Committee on State Government dealing with the State Police, or maybe the Committee on Transportation because they are talking about using the highways. The enforcement of this has nothing to do with it. It has to do with the rules and regulations of a State Park, and to throw in the red herring business of the warden service and who enforces what rules, that has absolutely nothing to do with this issue.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would also urge that the House reconsider. What essentially is at issue in this legislation is the terms of the Baxter trust. The Attorney General has issued a ruling interpreting the Baxter trust and this bill would reverse that ruling. I think that we enter into a very treacherous area when the legislature begins to reinterpret the Attorney General's decision as to the interpretation of the trust document. It is a basic doctrine that if you give property in trust under certain conditions, those conditions must be met or else the trust is invalid and the property reverts to the heirs. It seems to me that this is a matter which goes to the very heart of the nature of the trust

relationship between the Baxter legacy to the state and the Natural Resources Committee is the appropriate committee for this bill to be heard by.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out one thing at this time. Previous to the time that Governor Baxter passed away, there were snowmobiles using the park and he knew that they were using the park. So I can't understand how anybody could interpret that he didn't want them in there. They were being used at the time he was still alive.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that the House reconsider its action whereby this Bill was referred to the Committee on Fisheries and Wildlife. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bustin, Byers, Carter, D.; Carter, F.; Chonko, Clark, Connolly, Cox, Curran, Davies, Devoe, Dexter, Diamond, Dudley, Dutremble, Flanagan, Fowlie, Garsoe, Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Kane, Kany, Kerry, LaPlante, LeBlanc, Locke, Lynch, Masterton, McHenry, McMahon, McPherson, Mitchell, Moody, Najarian, Peakes, Peltier, Plourde, Post, Quinn, Raymond, Rollins, Silsby, Spencer, Sprowl, Stover, Stubbs, Talbot, Teague, Tierney, Trafton, Tyndale, Valentine, Wilfong, Wyman.

NAY — Aloupis, Ault, Austin, Bagley, Bennett, Berry, Birt, Burns, Carroll, Churchill, Conners, Cote, Cunningham, Dow, Drinkwater, Durgin, Elias, Fenlason, Gill, Gillis, Gould, Hickey, Jacques, Joyce, Kelleher, Laffin, Lewis, Lizotte, Lunt, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBrearty, McKean, Mills, Morton, Nadeau, Nelson, M.; Pearson, Peterson, Prescott, Rideout, Shute, Smith, Strout, Tarbell, Tarr, Theriault, Torrey, Tozier, Truman, Twitchell, Whittemore.

ABSENT — Bunker, Carey, Carrier, Gauthier, Kilcoyne, Littlefield, Lougee, Nelson, N.; Norris, Palmer, Perkins, Wood.

Yes, 80; No, 57; Absent, 13.

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

The pending question now before the House is that this Bill be referred to the Committee on Fisheries and Wildlife.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: If we go to Natural Resources, we are going to contribute to the confusion that already exists in Baxter State Park. We have tried to keep this regulated in Fish and Game, and I think they have done an excellent job along with the Commission. If we go into Natural Resources, then we are going to have conflicting departments trying to do a job which they are not capable of doing.

The SPEAKER: The Chair will order a vote. All those in favor of this Bill being referred to the Committee on Fisheries and Wildlife, will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was referred to the Committee on Natural Resources in non-concurrence and sent up for concurrence.

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

Senate Report — "Ought to Pass" as Amended by Committee Amendment "A" (S-45) — Committee on State Government on Bill "An Act to Transfer the Alcohol Treatment and Education Program of Operating under the Influence Offenders to the Department of Human Services" (S. P. 130) (L. D. 310)

Tabled — April 11, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-45) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Mr. GREEN: Mr. Speaker, I now move that we reconsider our action whereby the snowmobile bill was referred to the Committee on Natural Resources.

The SPEAKER: The gentleman from Auburn, Mr. Green, moves that we reconsider our action whereby Bill "An Act to Permit Snowmobiling on the Entrance Road of Baxter State Park," Senate Paper 404, L. D. 1387, was referred to the Committee on Natural Resources in non-concurrence. All those in favor of reconsideration will say yes; those opposed will say no.

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

The Chair laid before the House the following matter:

Bill "An Act Pertaining to License Fees for the Regulation of Certain Amusements" (H. P. 577) (L. D. 701) which was passed to be engrossed in the House on April 6. Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-50) in non-concurrence. Tabled earlier in the day and later today assigned pending further consideration.

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

Mr. JOYCE: Mr. Speaker, I move that we insist.

The SPEAKER: The gentleman from Portland, Mr. Joyce, moves that the House insist.

The Chair recognizes the same gentleman.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I must apologize for having this bill back here today. I guess we didn't give it a good enough of a push the other day. All this does, it is a home rule bill. It gives the municipalities and towns in this state the authority to set the license fees for bowling alleys, shooting galleries, pool halls, billiard halls, which are presently \$10, my bill would permit the municipalities to raise this to such reasonable fees as the municipal officers may establish.

Section 2 goes to slot machines or pinball machines. The license now required is \$5 for the location. It permits the municipal officers at any time to establish reasonable fees.

The town fathers came to the legislature 27 years ago to get permission for the way the things exist now. They are only asking now that we turn back the authority to them so they won't have to come back up here on this.

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

Mr. BIRON: Mr. Speaker, I move that we recede and concur.

Whereupon, Mr. Burns of Anson requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, that the House recede and concur.

All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Biron of Lewiston 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 Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I am not opposed to the raising of the fees on the local level. I feel that we should have local control. This amendment which was passed by the Senate simply places a ceiling on the amount that can be charged. I am all for local control; I am against local abuse. There is a possibility of local abuse if this amendment does not pass and I would hope that you would support the motion that we recede and concur on this legislation.

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

ROLL CALL

YEA — Aloupis, Biron, Blodgett, Boudreau, P.; Carter, D.; Connolly, Devoe, Dexter, Diamond, Dow, Gray, Greenlaw, Hobbins, Howe, Hughes, Kerry, LaPlante, Locke, McHenry, McMahon, Mitchell, Nadeau, Rollins, Shute, Spencer, Sprowl, Stover, Tierney, Tozier, Tyndale.

NAY — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Byers, Carter, F.; Chonko, Churchill, Clark, Conners, Cote, Cox, Cunningham, Curran, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Green, Hall, Henderson, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LeBlanc, Lewis, Lizotte, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Masterman, Maxwell, McBrearty, McKean, McPherson, Mills, Moody, Morton, Pearson, Perkins, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Silsby, Smith, Strout, Stubbs, Talbot, Tarbell, Tarr, Theriault, Torrey, Trafton, Truman, Valentine, Whittemore, Wyman.

ABSENT — Austin, Bunker, Carey, Carrier, Carroll, Davies, Elias, Goodwin, H.; Huber, Jalbert, Littlefield, Lougee, Mackel, Marshall, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Peltier, Prescott, Teague, Twitchell, Wilfong, Wood.

Yes, 30, No, 94; Absent, 26.

The SPEAKER: Thirty having voted in the affirmative and 94 having voted in the negative, with twenty-six being absent, the motion does not prevail.

Thereupon, the House voted to insist.

The Chair laid before the House the following matter:

Bill "An Act Providing for a Program of Support for Destitute Persons on Indian Reservations and Appropriating Additional Funds for the Department of Indian Affairs" (Emergency) (S. P. 187) (L. D. 573) (C. "A" S-43) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Mr. Stevens.

Mr. STEVENS: Mr. Speaker and Members of

the House: The Indian Township is not opposed to the \$150,000 for the Indian Affairs, but the Indian Township is opposed to the program that has been developed somewhere in Augusta, not locally. This morning, I have been hearing home rule, and the last few weeks I have been here off and on and I have heard home rule, and I think this is basically our opposition. A program is set up elsewhere and we have to abide by such a program.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill that is before us now is to provide programs for support of destitute persons on the Indian Reservation and appropriating additional funds to the Department of Indian Affairs caused because of a deficit in the Department of Indian Affairs. The deficit is large and unfortunate.

The bill also addresses itself to the question of, what are we going to do in the future. There are essentially two parts to this bill. One is to appropriate money for the department to pay for the deficit and the second part is to draw up general guidelines for the dispensing of general assistance on the Indian Reservation. These guidelines are similar, and, as a matter of fact, I understand they are almost identical in all respects to the guidelines you would have in your own home town, whether it is Madawaska or Fort Kent or wherever it would be, and what it would do is allow the Commissioner of Indian Affairs to draw up the guidelines with the advice and guidance of the Tribal Governors and they would have a meeting of the general public, or in this case, the tribal members, for comments on the rules and regulations that would be drawn up for general assistance, similar to the same sorts of things that have gone on in Maine towns all over the state.

The Penobscot Tribe has met on this bill and discussed it at length with the Governor of the State, with their own Governor, the Tribal Council, and while it is something that is new to them and there is some reluctance, they are willing to try it.

It is hoped by the people who drafted this bill and introduced it in the other body, by the Chairman of the Appropriations Committee, that it would preclude deficits in the future. This has never been done in this way before, and the Penobscot Tribe is taking an opposite position from the Passamaquoddy Tribe, apparently, in that this is something that while it is new, it is acceptable.

I would urge the passage of this bill and also bring your attention to the fact that this is an emergency measure.

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

Mr. MacEACHERN: Mr. Speaker, I have a couple of questions that I would like to ask in reference to this. I understand that this hundred and some odd thousand dollars is a deficit. I would like to know first of all, what created this deficit, how did it come about? Secondly, who has been administering these monies while this deficit came about?

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

The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: The deficit is \$70,000 in unpaid bills, and there is absolutely no money for this program left in the fourth quarter. I think the reason we are faced with this deficit is because there have been no guidelines such as those proposed in this legislation. As far as I know, it is the department which has been administering this program so far.

I won't say any more about the bill. I think the gentleman from Old Town has explained it quite

well. The only thing that disturbs me is that this is the first time that I knew there was any opposition to this bill. It had a unanimous report from the Committee on Appropriations and there was no one at the hearing opposing it.

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

Mr. MacEACHERN: Mr. Speaker, I don't think my questions have been answered. I asked how the deficit came about, whatever it is, and who was administering the thing at the time of the deficit.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question of the gentleman from Lincoln, Mr. MacEachern, I would have to say in all candor that the deficits were caused by management that wasn't adequate.

The SPEAKER: The Chair will order a vote. The pending question is on passage to be engrossed in concurrence. All those in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

Sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Relating to Corporal Punishment" (H. P. 517) (L. D. 635) (C. "A" H-121) which was tabled earlier in the day and later today assigned pending passage to be engrossed as amended.

On motion of Mr. Kelleher of Bangor, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-146) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: This amendment is a very simple amendment, it is a very plain amendment. It simply gives an authorization from the parents to the school or to the teacher for enforcing corporal punishment. It doesn't mandate it, it simply says that I as a parent or you as a parent who wants to allow corporal punishment to be used on your youngster, you can give them permission, but the school itself cannot arbitrarily enforce corporal punishment on each student in its class.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you will not accept this amendment. I promised one of the good ladies of this House that I would not speak on this bill, and I hate to see a grown woman cry, so I will not speak on it.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: Last night, the Waterville delegation had a meeting with the school board and teachers from the Waterville area to get some feedback on this bill, and out of the 30 people who were there, including all the school board and teachers from both the high school and the elementary school, out of 30 teachers there, 27 teachers favored the bill we passed yesterday.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the comments of the good gentleman from Waterville,

but I am not dealing with the teachers and I think perhaps if he had met with the parents of the youngsters in those schools, the percentage of allowing teachers to enforce corporal punishment wouldn't be as overwhelming as he indicates the teachers' support is of it.

I think it is incumbent upon us as members of this body to allow the parents to make that decision.

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

Mr. LYNCH: Mr. Speaker, this amendment essentially takes us back to the other corporal punishment bill, which was a bill designed to provide for the so-called Christian schools, some of which, and probably the largest is in the Bangor area. They have permission from their parents to use corporal punishment on their students.

The committee did not favor that bill because the bill said "all private schools." That would bring into play Lee Academy, M.C.I. and all the other private schools in the state which are essentially public schools.

I would question that any child that needs correction and comes from a home where there is no discipline that the parents will ever provide the school with a letter allowing the child to be disciplined. I think this defeats the whole purpose of the bill.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have never received so many letters on one bill since I have been here as I did on that one for corporal punishment in the private schools from parents, and most of those parents, many of them, put in that they also favored the other bill.

The parents said they thought it was only right that their children should be punished as they needed to be. As I say, a lot of them said that they thought the public school bill should also be passed. That was really an outpouring of parents who were in favor of having their children receive corporal punishment if they needed it in the schools.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: As you all know, I spoke on this bill several times yesterday, so you all know how I feel about it, but I would just like to point out that we had in committee two corporal punishment bills, the one that is before us and the one that will be here tomorrow that has been passed overwhelmingly in the other body, and the other bill says in it "with parental consent." That is the point that this particular amendment addresses. So if we are going to be consistent, then I would hope that you would support the adoption of the amendment.

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

Mr. HOWE: Mr. Speaker and Members of the House: I think we should take heed to the gentleman from Portland's words, and I am also sure that the gentleman from Bangor is not confusing this with the private school bill; this is the public school bill. I see no reason why we should not permit the parents of children in public schools the same right to withhold their permission for teachers in those schools to use corporal punishment that the other bill from the Education Committee will permit the parents of children in private schools.

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

Mr. BAGLEY: Mr. Speaker and Members of the House: I would just like to remark in regard to the private schools, the so-called Christian schools, they said that part of the contract for admitting in schools is for the parent to sign a permission slip. In other words, if a parent does not give permission, those kids are not in the so-called Christian schools anyway.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will oppose this amendment. What we are setting up is two classes of secondary school education. This has happened before. With the so-called christian secondary schools with its form of disciplinary action, you are going to force into the public schools all the youngsters that are nonconformists in their attitudes. You are going to create more problems for teachers in the secondary schools. I think you have to give them some assistance.

The SPEAKER: The Chair will order a vote. The pending question is on the adoption of House Amendment "A" to Committee Amendment "A". All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Howe of South Portland 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 Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: It seems to me we are creating an unusual dichotomy here. We are saying that in the private schools, at least, if this other bill which is floating around passes, that parents will have a choice. They had a choice at the beginning when they decided to send those children to those schools, so I am not offended by a bill which says that corporal punishment in these schools is permissible. But here in the public schools, which we compel all parents to send their children to, we are saying they have no choice about whether or not their sons or daughters can be assaulted, and that is exactly what punishment is in the legal sense. We are giving them no choice. I think this amendment is very reasonable. If you want your son or daughter to be punished in that method, give them a method by which they can indicate that to the teacher. If you are opposed to that, as many parents are, then they ought not to be forced to allow their children to be assaulted by teachers.

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

Mr. MORTON: Mr. Speaker and Members of the House: I take a very dim view of using the word assault in connection with this bill. The gentleman from Auburn is trained in the legal profession, and he knows very well that an assault is not what is contemplated here. So I trust that you will not be swayed by those kind of words. We are not talking about an assault. We are talking about good old common sense named discipline.

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

Mr. HUGHES: Mr. Speaker, I have to differ with the gentleman from Farmington. If he knows the definition of assault, he will know that this is indeed an assault, and the reason that the Criminal Code prohibits this is because it is not a protected class of assault. It is an assault, it is a touching, a bodily touching. Whether or not it includes injury is not part of the definition of assault. Indeed it is an assault, and the question is whether or not we are going to permit a class of assault to take place, and presumably because it makes discipline easier, but it is an assault and we don't like that word, and that is why I support this amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I don't know what I am doing up on this thing here, but I am going to straighten one thing out here if I don't do anything else. I learned a little something at law school, even though I am not an attorney. Assault is if I say I am going to punch you in the nose. Assault and battery is when I punch you in the nose. When you hang onto a kid, you are not only assaulting him, but you are committing assault and battery. And Lord have mercy on anybody that I know that touches anybody that I know in school, because he is going to wind up right in a court room, and believe me, somebody will be short money.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think it is a critical issue what we call the touching, but I did want to relate one incident, or a series of incidents that I encountered personally.

I taught school for a year in Saco, Maine, and we had a teacher in the school system who was well liked by the teachers and was a good friend of mine who maintained discipline by taking kids who acted up and banging them against the lockers. He would have a kid that was behaving badly in his class and the kids would begin to get out of control, so he would take one kid outside and then hold him and bang him against the lockers, and the lockers would go boom, boom, boom, boom, boom, all up and down the corridor and all the other kids would tend to quiet down because of the level of the noise that was created by banging this kid against the locker. There is no question that this happened about five times in the year that I was there. There was one child who was actually put into the locker as a warning to the other kids.

The teachers in the school system probably should have taken action to do something about it, but it was a situation where all teachers were friends of all the other teachers and nobody wanted to essentially have disciplinary action taken against another teacher. The kids never did anything about it, and it was just part of the way the school ran. Every month or so you could hear this boom, boom, boom, boom, and it would be the teacher banging a kid against the locker.

It seems to me that the potential for litigation and law suits in this situation where we don't have a common agreement any more as to corporal punishment is very high. Thirty years ago or twenty years ago or ten years ago, the schools were smaller, everybody knew the teachers and there probably was general agreement that the teachers should have the authority to use corporal punishment against the students. You no longer have that general agreement among the parent population, and unless we at least allow those parents who are opposed to this form of corporal punishment to express that and to prevent it from being used against their children, I think we really are opening the floodgates of litigation.

I would like to say before I sit down, it is true, I am a lawyer, and if the gentleman from Farmington wishes to refer to my remarks as legalism, he is privileged to do so.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, I have one question on this amendment. I am wondering how it is going to be enforced. I would direct a question to that effect. Is the teacher going to have a list of students whose parents have signed a statement allowing corporal punishment and then a list of those who haven't? I am curious as to how this is going to be done.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would feel the pas-

sage of this amendment would develop a very uneven type of discipline in the schools. We have the student whose parents say, we want him controlled, you take care of all his indiscretions, where the other parent does not. One group is getting away with murder and the other is getting hung.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I went to a private school in Bangor as a youngster growing up and I think what this House has to deal with today is a simple conscience value on exactly how we are going to deal with corporal punishment. believe me, in activities in school there was discipline, and there is discipline now in the schools.

In answer to Mr. Hickey, I think there will be uniformity because the youngsters that behave in school, I am sure that their parents see to that and they take an interest in it. For the youngsters who are a problem in school, I would assume that if they are that much of a problem in school, they are a problem at home and, if the parents can't handle them, and in a lot of instances they can't, they are wanting the school teachers to be the babysitters for them, they want everyone else to look after their youngsters. If they are having that kind of problems with their kids, I would assume that they would be going to the school themselves and giving them permission to do the disciplining they can't do at home. But I think that is a valued judgment that each and every one of us should allow the parents of the public schools to make. That is all this amendment does. It makes a valued judgment on the parents, not the teachers, not the superintendents, not anybody else; the mothers and fathers should have that right.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: As a parent, I rise this afternoon in opposition to what the gentleman from Bangor has just stated. This is not the way it works. What he is saying is that the parents who can't make the children behave at home are trying to put the burden on the teachers in the schools.

I disagree wholeheartedly with what the gentleman has said; I think this amendment is going against the privileges that I would have as a parent.

I would be willing to let the teachers in my district discipline my children. I don't need this amendment, and I think it would be going against my better judgment that I would have to say, let's have corporal punishment for all children, not just for those who do behave. Therefore, Mr. Speaker, if it has not been made, I would move that this amendment be indefinitely postponed.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: We talked a while ago about the free enterprise system and teaching our young people about how the system works. I think this is a case here of teaching them something about how the system works. When we do things in this legislature, there are going to be consequences. We have to teach young people that the things they do, there are going to be consequences also. This is an issue right here that we are speaking of right now. When a kid misbehaves, he has to understand that there are going to be consequences. That is what is going to happen to him all his life, where everything he does there are going to be consequences, some positive to the positive things he does and some negative to the negative things he does.

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

Mr. HENDERSON: Mr. Speaker, Ladies and

Gentlemen of the House: Following that exact same line of reasoning, of course, it is true that negative things will happen and what we are also teaching is that those negative things will be violent. That also means that if someone else does not do what you want them to do, then you enforce it the same way as it was enforced upon you, with violence. Again, that is what it is. We can put on all kinds of pretty words.

The question of it not being allowed to be optional, or the proposition was answered by saying that the parents who are most at fault would not give this authority and therefore the teachers in effect have to punish the children. It seems only reasonable that it is the parents who should be punished for this situation, not the children. What I would like to know is why this Committee on Education did not consider enforcing the responsibilities of parents to maintain the discipline in their own children even if they are in the public schools. Because if those children in the classroom are disrupting my child's right to an education, I want the parent of that child to be responsible for it. I don't want you to take it out on what is often a little kid who doesn't understand what is going on or hasn't had the proper training in the past. I just can't understand why we want to punish the child and not punish the parent where the responsibility belongs.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I have been a classroom teacher, full and parttime for ten years now. I hold a current certificate and I teach when I can and I enjoy it.

I support this amendment. I spoke to its sponsor a moment ago to make sure that I thoroughly understood it and now that I do, I certainly want to indicate my support.

To follow up on what the good gentleman Mr. Henderson just said, it is a fact, and those of you in this body who are or have been teachers will, I think, agree with me, that many parents, the majority of parents, unfortunately, are totally not interested in their youngsters after they send them out to the schools. They deposit them at the school in first grade and say to the teachers, now they are your responsibility. I think that is wrong but I don't think it is reasonable for us to try to reeducate the parents, I don't think we can.

I think the amendment, by leaving the parents some latitude to allow the teacher to utilize these methods is good, because it will have the effect of bringing the parent into the decision-making process. They are not able to do that now. When the teacher says to the parent on opening day of school, this is the option you have, the parent is going to have to think about it. That might be the only day all year the parent shows up at school and that is the day the alternative will be presented.

I think it is an excellent amendment, I think it solves the problems of many of us who voted against the minority report, including myself, yesterday. I think it solves many of our problems. I hope that the amendment is adopted.

The practical matter of this policy, if you will, will be used mostly on the primary levels, and picture, if you will, a line of youngsters, fourth and fifth grade youngsters, perhaps 30 of them, perhaps downstairs in the State House corridor waiting to come up to see this body at work and the little people there in that group are cutting up. A teacher now will have to think twice about coming up to one of those youngsters and taking them by the arm and propelling them a little bit, which is a common way or was a common way of handling the little ones. That is not assault — it is legally but it is not in our way of thinking and it certainly shouldn't be.

We have to give the teachers some degree of

latitude, again, particularly in the primary grades, and I think this is a perfect vehicle to do it and I sure hope you will support it.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I want to make three comments. First, I agree with the previous speaker who said that the wrong parents will sign the permit. I don't think there is any question about that. The second one, in line with the story that I told you the other day, I think it is quite reasonable to assume that when this bang, bang, bang came on the locker, the teacher was banging his fist against the locker to frighten the students in the room. The pupil who was outside certainly would never tell anyone about it and I expect it was probably very effective.

The third one is that in practically every case, and we can make it legal if we wanted to, the State Department already advises this, there should always be at least one other teacher present when a child is being punished.

The SPEAKER: The Chair recognizes the gentlewoman from Palmyra, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I am the President of the Board of Trustees in an independent school and have been a trustee of this independent school for a number of years. I am very much opposed to this piece of legislation for many of the reasons that others have already given.

I would like to take this opportunity to read a letter, if I may, which was sent to the Committee on Education by Andrew Holmes, who is Chairman of the Legislative Committee of the Maine Association of Independent Schools. "Dear Representative Lynch: As Chairman of the Legislative Committee for the Maine Association of Independent Schools, I am writing to you in respect to L.D. 635 and L.D. 495, both of which are an act relating to corporal punishment. It is the position of the Maine Association of Independent Schools that the title and intent of both of these bills seem to imply that the private schools in Maine are seeking permission for corporal punishment. Such is not the case and the Executive Committee and Legislative Committee of this Association are on record as opposing both of the above-mentioned bills.

"Assuming that action has not been taken on either of the above mentioned bills prior to April 13th and 14th, the Association as a whole will vote on its position and the result of this will be transmitted to you.

"The Maine Association of Independent Schools represents a reasonable and viable segment of the educational community in the state and we do not feel that either of the above-mentioned bills are necessary for the successful and proper pursuit of our responsibilities."

I would only second that intent and ask that you vote for indefinite postponement, not only on L.D. 635 but also on L.D. 495 when that bill comes before us.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would assume that private schools in the State of Maine have a relatively selective group. I would also assume that those youngsters in the State of Maine who are in the greatest need of learning responsibility for their own actions are in the public schools.

What is there for an alternative? This is going to be used in the elementary grades. I can't assume that anybody is going to horsewhip or bang a second or third grade child against the wall. If you aren't allowed to use or to touch a youngster without being convicted of assault, there is no discipline. How do you reason with a youngster at the first, second or third grade level? He is not an adult. Do you want to have,

before any punishment is inflicted on a first, second or third grade child, that he must have a right to a hearing with counsel, and I would assume that many of the lawyers would love that, a right to a hearing with counsel before a punishment could be inflicted and an appeal could go to the State Board of Education before going out to the Superior Court? That is what this is leading to if you don't give the public school teachers, and I stress public school teachers, the right to maintain some discipline and get the youngsters thinking of their responsibilities in the lower elementary grades.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Corinth, Mr. Strout, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor 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. Those in favor of 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 South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: A moment ago, the gentleman from Corinth, Mr. Strout, stated that he did not need this amendment. He is right; and he is willing to permit the teachers in his district to use corporal punishment on his children. I am a parent, I have children in the public schools in my district, I need this amendment. I do not wish to confer that right or privilege upon the teachers in that school, and I would hope that we would adopt this amendment so that I and parents who feel the same way as I do would have the right to keep parental authority at home where I personally, as a parent, feel it belongs.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Corinth, Mr. Strout, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Bagley, Bennett, Birt, Boudreau, P.; Brown, K. L.; Brown, K. C.; Burns, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cox, Curran, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Garsoe, Gillis, Gould, Gray, Greenlaw, Higgins, Huber, Hunter, Hutchings, Immonen, Jacques, Kilcoyne, Laffin, LeBlanc, Lewis, Littlefield, Lunt, Lynch, MacEachern, Mackel, Marshall, Masterman, Maxwell, McBrearty, McHenry, McKean, McPherson, Moody, Morton, Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Rideout, Rollins, Shute, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Teague, Theriault, Torrey, Tozier, Twitchell, Whittemore.

NAY — Aloupis, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Bustin, Byers, Carey, Carrier, Carroll, Connolly, Cunningham, Davies, Dutremble, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Green, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, LaPlante, Lizotte, Locke, Mahany, Martin, A.; Masterton, McMahon, Mitchell, Nadeau, Najarian, Nelson, M.; Peakes, Post, Quinn, Raymond, Silsby, Spencer, Talbot, Tarr, Tierney, Trafton, Truman, Tyndale, Valentine, Wilfong, Wyman, The Speaker.

ABSENT — Bunker, Gauthier, Lougee, Mills, Nelson, N.; Wood.

Yes, 79; No, 66; Absent, 6.

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

Thereupon, Committee Amendment "A" was adopted.

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

Mr. LYNCH: Mr. Speaker, wasn't the motion to indefinitely postpone Committee Amendment "A"?

The SPEAKER: The motion was to indefinitely postpone House Amendment "A" to Committee Amendment "A", which prevailed. Following that motion, Committee Amendment "A" had to be readopted. The pending motion before this body now is passage to be engrossed as amended.

The Chair recognizes the gentleman from Portland, Mr. Flanagan.

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak on the bill, L. D. 635 is an act relating to the corporal punishment of students. Over and over again it is said here that they need discipline. As far as I am concerned, and having a great many years in the school system and having had literally thousands of different students come by me, I cannot help but trust the total idea that discipline is not merely corporal punishment. There are many, many types of discipline.

I have a strong sense of feeling full and adequate discipline for students, I have also a strong feeling that the use of corporal punishment to achieve this discipline is not warranted.

Teachers have the responsibility of the classroom, and in that classroom, ideally speaking, there are 20 students, more than that, there are 20 individuals. In this push-button day of living, there are no push buttons in the classroom. We might have them in the factories, we have them in industry, we have them in the offices, but there are no push buttons in the classrooms. You have 20 individuals, and they are individuals because they all differ.

Now, if you are going to attempt to put a mold in the classrooms and force these students through that mold to come out with the discipline that you expect them to have, that mold of corporal punishment will do more harm than good.

In corporal punishment, you are granting the teacher the right to use force on a child, and from experience, there are parents who will accept it and there are many, many parents who won't have any part of it. Things will go along fine until that one teacher upsets the applecart by using corporal punishment on a child whose parents are definitely against it, and it will do more harm to the school system and to the community and to the parents of the child and the teacher than anyone can ever expect. I don't feel that there is any need for corporal punishment. There are many, many tools in discipline to use without it, and I hope that you vote against this bill and let them use the correct methods of discipline in the schoolroom.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to go on any longer than we have on this matter, although I do feel that it is very important. There is one aspect of this Committee Amendment that almost escaped my notice and perhaps it might have escaped someone else's notice here too, so I thought I would bring it to your attention. The original bill, L.D. 635, did permit teachers to use corporal punishment in the schools, as well it is added to the law that parents, foster parents, guardians and other responsible persons could use corporal punishment. This amendment not only allows

teachers to use corporal punishment, it allows teachers to delegate this authority to someone else.

Now, we have been discussing here for two days how responsible teachers are and they are professionals and many people cannot imagine that a teacher would even harm a child and would use great discretion in using corporal punishment, but this amendment allows people, any person that the teacher may delegate, to also use this corporal punishment, people totally unknown to the parents. Parents who may very well be willing to delegate this authority to teachers may not be willing to allow teachers to then delegate this authority to someone else. This is something that concerns me even more than allowing teachers to do this. I would like to pursue this a little bit more and I would ask that someone would table this for me for two legislative days.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I am fully aware of the business that we have to do today. Regardless of that fact, I am going to take a couple of minutes. You might say what am I doing up on this bill. Unfortunately, I was not blessed with children. I did however, have a brother who died and his wife died rather suddenly, there were twins and I had a little something to do with their bringing up. As a matter of fact, the last one just came out of Simmons and I haven't got over that sting yet.

This bill reminds me of when I was first here in 1944 or 1945. In 1944 and 1945, would you believe that it was a miracle for a freshman member to even get unanimous consent to address the House? I was told to sit down and keep quiet. I was told by a venerable clerk, who was a member of the opposition but whom I loved very dearly when I practically went to him in tears one time and said, I can't even get up and speak. He told me, listen, we are giving you a check and a warm room and you are comfortable, sit there, collect your check and keep quiet until you grow up. You know in those days you could get away with that. Today, we have a group of younger people, as I am, who are members of this House, and can you imagine going up to one of them and threatening them by telling them in no uncertain terms, practically by assault, and this is what this bill is, no matter how you cook it, this is a bill to legalize assault. You can cook it up any way you want to, that is what this bill is.

You know, when I was a youngster, my mother had a beautiful system. She said, Louie, don't do it again and then, if I did it again, believe me when I tell you that she would make Gene Tunney and his famous right hand look like an amateur. She never missed. It traveled about so far, it found its mark, that was the end of Louie for a while. Those days are gone. The days of doing combat are gone.

There is nothing I love any more than youngsters. As a matter of fact, on my street, the ice cream wagon practically stops in front of my house and the kids come out of the hills, and there is nothing I love any better than to go out there and give them something. You know, I go out now and give advice to younger people and I tell them this — you know, you remind me of somebody I knew 25 or 26 years ago who did what you did. Who was that? Me. You go around striking a youngster 14 or 15 years old in the home today he is going to pack his luggage.

The gentleman from Westbrook, Mr. Laffin, was talking about somebody who struck him in school. I was telling my good friend from Lewiston, Mrs. Berube, yesterday, that I had somebody that strapped me when I was a Freshman in high school. I waited 15 years. I found him 15 years later, tapped him on the shoulder, took him outdoors, I lifted one away from the floor and he was gone — 15 years, I never forget anyway, that is the truth. He

wanted me to saw some wood that I couldn't saw and I told him. I am not mechanically inclined; I wasn't then and I am not now and I don't intend to learn now.

Seriously, I am not a parent but I am a concerned individual, and I try to pass and vote on good legislation. I don't get up very often because there are times when I am going to be forced to get up on issues that I know much more about probably than I would know how to be a father to four, five or six children. I wish I were the father of four, five or six children.

The day of force is gone, and if you want to turn people on in school, you want to chase them out of school, you go threaten them. There are other ways. Why don't you get wise to yourselves? What are you trying to prove? You do not use force today with success.

Really and truly, I have nothing but legislative pride for my good friend from Livermore Falls, Mr. Lynch. I have nothing but personal pride for him because I know what he has done in his own community to lift it up from nothing to one of the finest communities in New England. I have nothing but deep respect for him. Consequently, I can tell him, as he can tell me, that we are right and we are wrong. This is not a right bill. This is a destructive piece of legislation, believe me. This is going to get you nowhere. This bill here is going to create nothing but problems and you are going to have serious problems in school with a piece of legislation like this.

I could go on and I am not going to, but I will make a motion, Mr. Speaker, proudly, that this bill and all its accompanying papers be indefinitely postponed and I would request a roll call.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In spite of that flowery tribute from my colleague from Lewiston, I must differ with him. Days have gone by, we have lost a lot and we have lost it deliberately. Because we have had problems in drug abuse, we changed the law. Because we have problems with alcoholism, we changed the law, and today police officials in the towns and cities of this state are violating the law that we passed, violating to get the man that is under the influence of alcohol out of the way so he doesn't get killed. You can't solve problems by closing your eyes and making everything very palatable for all people.

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

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not indefinitely postpone this bill this morning. I think probably the best analysis of the bill was done in the letter that was read by the gentleman from Livermore Falls, Mr. Lynch, yesterday, in which a teacher indicated that the failure to pass this bill created a real problem for teachers to enforce the type of discipline that they might want at some times to exercise. This letter very effectively pointed out that prior to two years ago, or when the present Criminal Code was passed and later on a ruling from the Attorney General, actually we had this situation. We are taking children into the school rooms and for about five or six hours a day the teacher has to act in the place of the parents. Actually, essentially, this is what it does, it puts back into the law the old philosophy of in loco parentis, which allows the teacher to act in

place of the parent. The teachers have that responsibility because the children are assigned to them, and I hope you do not indefinitely postpone this.

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

ROLL CALL

YEA — Aloupis, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brown, K. C.; Bustin, Byers, Carroll, Clark, Connolly, Cox, Davies, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hobbins, Howe, Huber, Hughes, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Locke, Martin, A.; Masterton, Maxwell, McMahon, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Peltier, Plourde, Quinn, Raymond, Spencer, Talbot, Tierney, Trafton, Truman, Tyndale, Valentine, Wilfong, Wyman, The Speaker.

NAY — Ault, Austin, Bagley, Bennett, Birt, Boudreau, P.; Brown, K. L.; Burns, Carey, Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Connors, Cote, Cunningham, Curran, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Hall, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Laffin, LeBlanc, Littlefield, Lizotte, Lunt, Lynch, MacEachern, Mahany, Marshall, Masterman, McBreairty, McHenry, McKean, McPherson, Mills, Moody, Morton, Norris, Palmer, Pearson, Perkins, Peterson, Post, Prescott, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Teague, Theriault, Torrey, Tozier, Twitchell, Whittemore.

ABSENT — Brenerman, Bunker, Lougee, Mackel, Tarbell, Wood.

Yes, 64; No, 81; Absent, 6.

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

Thereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the following matter:

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" (H. P. 1295) (L. D. 1445) which was tabled earlier and later today assigned pending passage to be engrossed.

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

House Amendment "C" (H-129) was read by the Clerk.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to try to explain to you a very complicated amendment as simply as I possibly can. I have prepared this amendment twice to go onto two different bills or amendments and I don't want to prepare it again for yet another bill until I find out how it is going to be received by the House, and that is why I am offering it to this bill today, to get your reaction.

When the school funding law began, it was first enacted in 1974, it became operable in 1974, it said there were some schools that were above average in per pupil expenditures at that point and some that were average and some that were below average. We had two provisions in the law at that time one dealing with those school districts that were below the state average in what they spent per pupil and another provision for those that were above average in what they spent per pupil. The below average was paid one third the difference on the

base year between what they were spending and what the state average was, which gave them more money. Those that were above the state average were supposed to be paid one half the difference between what they had been paying for their schools and the state average which was less. Now, that was fine, that was on there the first year.

The second year, to save money, or last year to save money, very arbitrarily, those school systems who happened to be above average were moved back to the base year, which was 1973-74. This is happening again this year. Those above average, instead of being at the 1975-76, which is the base year this year, they have frozen us again at 1973-74. Now, these are 110 communities who should be getting more money and they are not. Who are these communities? They are 28 pay-in communities who should be receiving back more money than they are because of this inequitable and arbitrary method of saving money.

I have not supported those who wanted to repeal the uniform property tax because I don't think that is unfair, everybody is taxed the same, but I do take objection to the pay-in communities not being given their fair share.

They are 28 pay-in communities, there are also several urban centers, and I will just name some of them and you can find this on this sheet that I had distributed yesterday. You will see in the next to the last column, based on the 1973-74 school year, the few towns above average that will receive any money at all. If you will look at the very last column, that is what these communities should be receiving if they were on the base year the same as the average and the below average school units. Some of those there were 28 pay-in communities — there is Augusta, who should be getting \$17,000 more; Bangor should be getting \$202,000 more; Bath, \$40,000 more; Biddeford, \$15,000; Brewer, \$21,000; Brunswick \$111,000; Madawaska, \$37,000; Portland, \$580,000; Scarborough, \$23,000; \$109,000 should be going to South Portland; Waterville should be getting an additional \$53,000; Westbrook, \$134,000; none of the representatives from those communities are in the House right now, unfortunately, plus 69 other communities in school districts. This costs about \$2.8 million. It would have to come out of the General Fund. We are funding it presently, the recommendation is \$290.6 million. We put more into leeway which helps those communities below average, but we have not anything last year or again this year for those communities that are above average. So, if there is any inclination in this House to put another \$3 million into educational funding, it certainly ought to go fairly and squarely to those communities that are paying more than the average rate per pupil expenditures.

I offer that, I know it is a \$3 million expense; I want to make a point that 110 school districts are not being treated fairly, and you can vote any way you want to on the bill.

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

Mr. BURNS: Mr. Speaker, I would like to pose a question through the Chair to the sponsor of the amendment. Does this also go to increase those low average schools, the schools that are below average? We were very conservative up our way and held the line in our school budgeting and now we are being punished for it.

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed a question through the Chair to the sponsor who may answer it she so desires.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: The schools below average get one third of the difference between what they have been spending in 1974-75 in the state average this year; that is the way the law has always

been. It hasn't changed for them. In addition, many of the schools below average also benefit from the leeway provision which those above average, in general, do not. Some do and some don't, it is a mixed bag, but by and large, we have taken care of those towns that are below average.

There are many that think the leeway should be more than \$100, and I agreed with that and I voted on it, but a lot of members of this House only wanted it at \$290.6 and not one cent more, so that is what we have gone along with. I am willing to help those below average, but I just think there ought to be an equal willingness to give a break to some of those who were taxing themselves inordinately before the school law passed in order to provide for the education for their children. Now they are being punished so to speak, for that effort they made prior to the school funding law.

I might say, Richmond, who taxed themselves before the school funding law at 54 mills on full valuation, is one of these communities that is above the state average which is being penalized.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Under Section 7, on Page 3, "monies appropriated under such a special grant of authority by the State Board of Education," this is the hardship provision, "shall be included in any future calculation of the state or local average per pupil operating cost and shall be reported as local funds without state participation in future calculations of the actual cost of education." What are you doing, this is House Amendment "C" —

The SPEAKER: The Chair advises that there are two House Amendment "C's". He may be referring to the one which deals with L. D. 1252.

Mr. LYNCH: Mr. Speaker, I am sorry.

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

Mr. PALMER: Mr. Speaker, I would like to pose a question through the Chair to the gentlelady from Portland — it is not clear in my mind in tying this amendment to the bill. By adding this \$2 million, whatever it is, to the bill, what now would the level of funding be with the two amendments together?

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer has posed a question through the Chair to Mrs. Najarian, who may answer if she so desires.

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

Mrs. NAJARIAN: Mr. Speaker, in answer to the question in very rough figures, it would be \$2.8 million on top of the \$156 million, so close to \$160 million, you know, give or take a few dollars.

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

Mr. JALBERT: Mr. Speaker, in further answer to the question, it would leave us about \$8.5 million to fund reimbursements, the University of Maine, state employees, Part II and all others.

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

A vote of the House was taken.

Mr. Tierney of Lisbon Falls 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. Those in favor will vote yes; those opposed will vote no.

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: A couple of things bother me about this amendment. One, what the good gentleman, Mr. Jalbert, has just referred to, the fact that if we pass this we are \$2.8 million more in the hole than we are right now. The other thing that concerns me about this amendment is, if this was so important to the Department of Education and Cultural Services, why were we not informed of this prior to yesterday when this amendment came across our desks?

As I recall when we had the hearing on school funding, the only two comments that the commissioner felt needed a second look perhaps by the Appropriations Committee, if we had any extra money, was funding leeway in the current year as opposed to six months in arrears and perhaps looking at an increased amount of leeway. To my knowledge, this, which I confess I don't quite understand, this amendment which I don't quite understand right now, to my knowledge was not brought to our attention. Maybe I am wrong on this, but I would like clarification if anyone knows the answer.

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

Mrs. NAJARIAN: Mr. Speaker, I would like to respond to the question from the gentleman from Scarborough. To my knowledge, it has not been a concern to the Department of Education and Cultural Services. In fact, it is my guess that it was at their suggestion that it was slipped into the bill last year to freeze us at the base year, 1973-74, in order to save primarily some dollars because we were in a tight crunch last year. So, they arbitrarily selected this method to save the money. This amendment didn't come from the department either. Nobody brought this up on the House floor last year, that this was part of the bill, and it wasn't until I reread the school funding law this year that I realized that there had been a slight little change in there, one word, 'frozen' at 1973-74 instead of the base year which should be 1975-76.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: From what I understand, Mrs. Najarian says that last year we had a tight crunch. I was just wondering what makes you think we aren't in a tight crunch this year? It seems to me that there is so much money to go around, there is a certain amount of ability for people to pay, and we have to take in all aspects of the situation and because of that type of thinking, I will have to vote no on that motion.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: It is true, we are in a tight crunch again this year, but the same communities that took the brunt of the short money last year are again asked to take it this year. To me, it is just a question of fairness.

The gentleman from Lewiston is absolutely right. If you pass this amendment, that is \$3 million less you will have to fund other things.

I am not optimistic about getting enough votes. I primarily wanted to make a point. There is still a lot of inequities going on around here, and I just wanted to point it out that those communities that are above average have been penalized arbitrarily last year and again this year. That includes the pay-in communities, if you have any sympathy for them, that includes all your urban areas who have a tough overburdensome tax problem now, plus 69 other communities around the state.

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

Mr. MORTON: Mr. Speaker, I would like to pose a question through the Chair to the

gentlelady from Portland, Mrs. Najarian. Would she please go over this printout again? I am not quite sure that I understand it.

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

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: When the school funding law was originally passed, there were some schools that spent below the state average per pupil and some that spent above. In the first column, you have what each of the towns listed were spending in 1973-74 above what the average per pupil allocation was in that year. I am not sure what it was, but it represents each unit's per pupil rate in 1973-74; 1975-76 are what those communities are now spending per pupil. The state average this year is \$938, so you can see the difference at \$938, you subtract that \$938 which is the present state average for 1975-76 and you get over in the fifth column, the total difference.

The state, according to our original law, was supposed to pay one-half of that difference between 1975-76 and our present state average. Then you multiply that by the number of students in that unit, which is listed in the third column, multiply half the difference by the number of pupils and multiply that again by the percentage of allocations that the state provides for those units, and you get over in the last column what they should be receiving.

The law was changed though. What they are actually receiving is the second to the last column, 1973-74, and if you count that, I believe there are only 18 towns that will qualify since we are frozen at the base year of 1973-74. If the law were treating the towns above average the same way that they treat the below average and the average, all the communities in the first column would receive the amounts in the last column, and that totals about \$2.8 million. I hope that that is clear, although I doubt it.

The SPEAKER: A roll call has been ordered. The pending question before the House is the adoption of House Amendment "C". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K.L.; Brown, K.C.; Bustin, Byers, Chonko, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Dudley, Dutremble, Elias, Flanagan, Fowlie, Goodwin, K.; Greenlaw, Hall, Henderson, Howe, Hughes, Immonen, Jensen, Joyce, Kany, LaPlante, LeBlanc, Mackel, Martin, A.; McHenry, Mitchell, Najarian, Nelson, M.; Nelson, N.; Peakes, Plourde, Post, Prescott, Quinn, Rollins, Spencer, Talbot, Tierney, Valentine, Wyman, The Speaker.

NAY — Aloupis, Berube, Biron, Boudreau, P.; Burns, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Connors, Cunningham, Devoe, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Hickey, Higgins, Hobbins, Huber, Hunter, Hutchings, Jackson, Jacques, Jalbert, Kane, Kelleher, Kerry, Kilcoyne, Lewis, Littlefield, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Marshall, Masterman, Masterton, Maxwell, McBrearty, McKean, McMahon, McPherson, Mills, Morton, Nadeau, Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Raymond, Rideout, Shute, Silsby, Smith, Sprawl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Trafton, Truman, Tyndale, Whittemore, Wilfong, Wyman.

ABSENT — Ault, Bunker, Gauthier, Laffin, Lougee, Moody, Twitchell, Wood.

Yes, 60; No, 83; Absent, 8.

The SPEAKER: Sixty having voted in the af-

firmative and eighty-three in the negative, with eight being absent, the motion does not prevail.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I move we recess until four o'clock this afternoon and request a division.

Mr. Martin of Eagle Lake requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House recess until four o'clock this afternoon. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Boudreau, P.; Byers, Connors, Connolly, Jackson, Lewis, Mahany, Marshall, Nelson, M.; Stubbs, Talbot.

NAY — Aloupis, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K.L.; Brown, K.C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Hutchings, Immonen, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Littlefield, Lizotte, Locke, Lunt, Lynch, MacEachern, Mackel, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprawl, Stover, Strout, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Valentine, Whittemore, Wilfong, Wyman, The Speaker.

ABSENT — Ault, Bunker, Elias, Garsoe, Gauthier, Howe, Lougee, Moody, Perkins, Tarbell, Twitchell, Tyndale, Wood.

Yes, 11; No, 127; Absent, 13.

The SPEAKER: Eleven having voted in the affirmative and one hundred and twenty-seven in the negative with thirteen being absent, the motion does not prevail.

Mr. Burns of Anson offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-147) was read by the Clerk.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: As much as I hate to mandate anything onto the lower forms of government, I feel that we at least should discuss this in this House today. What this bill does, very simply, it allocates one percent of the total budget of an administrative unit and states that it must be used for maintenance of the unit's facilities, the buildings in which the school is being housed.

We have gone better than four years now with a very, very tight budget; therefore, I feel, and I have examples of it in my own school district, that some maintenance may be going by the way in order to keep rolling with the monies available. I therefore feel that we should set aside some portion of money to go to maintenance so that a leak in the roof can be

repaired before it requires a two or three million dollar building.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I really hesitate to delay this debate any further, but it seems to me that the issue the gentleman is trying to address is in fact addressed through our present educational funding mechanism through minor capital outlay. It occurs to me that we have schools that have recently been built and there may be no need for them to spend one percent of their budget on maintenance.

I think this amendment is unwise and I would ask you to oppose its adoption.

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

A vote of the House was taken.

3 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

Mr. Jackson of Yarmouth offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-143) was read by the Clerk.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This can be handled in one of two ways. There are two bills pending to remove the ceiling. One is coming from the other end of the building and one is my bill, along with Representative Masterton.

I am aware of the problem, particularly in the Portland area, and I will give you some quick figures on it, but it is a statewide area and many of the school systems will have to exceed the ceiling if it is reimposed as of July 1 the way it is scheduled to be. This bill would see it reimposed and would cause a great hardship. I will just read down quickly the problems.

SAD 61, which is Bridgton, will have to cut their school budget by approximately \$200,000; Cape Elizabeth by approximately \$65,000; SAD 51 in Cumberland by \$100,000; Falmouth by \$400,000. Freeport is the only town that just squeaks by, and they would be affected by it, Gorham by \$10,000; SAD 15 in Gray by \$150,000; Portland by \$2 million; Scarborough by \$600,000; South Portland by \$1,200,000; Westbrook by \$500,000 and Yarmouth by \$400,000. I think the need for the amendment is clear, and this is just one small area. This is happening all over the state and I think that the way to handle it here would be to put this amendment directly onto the bill at this time. If you do not, you can approach it later from the bill point of view, but I think it would be much better to approach it right now.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: This is a very serious and important amendment. It removes the ceiling of what school units can raise for the purposes of education. There is a serious constitutional question here because you are again allowing those communities who have property rich resources, and it would be fairly easy for them to raise more dollars to add additional programs in their schools, while those communities who are property poor who may desire the very same programs for their children will be unable to do so.

Mr. Jackson did not tell you that there is presently in the law a provision that if any school unit needs to raise more money and can demonstrate hardship, they can get a waiver from the State Board of Education.

My superintendent very much would like to have the ceiling removed. We have to raise \$2 million after we use our \$2 million leeway to meet our school budget. However, he under-

stands the constitutional problems and he understands and believes that he can get a waiver from the State Board of Education demonstrating hardship.

There is protection there for those school units that need to raise more money for basic educational purposes. We are not underfunding the school bill this year. Last year we knowingly underfunded schools \$10 million, and that is why we had to remove the ceiling, in order to allow school units to raise the additional dollars locally to meet their needs. This year, we are not underfunding it. It is a rock-bottom sum, that is true, but it could very well fall within the \$290.6 million at the end of the year.

I would urge you to please — in fact, I will move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Portland, Mrs. Najarian, moves that House Amendment "E" be indefinitely postponed.

The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker and Members of the House: I would like to know if this ceiling is removed for a period of more than one year?

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to that question, we have tailored this so it is removed for exactly one year and would go into effect one year from the first of July this year.

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

Mr. LYNCH: Mr. Speaker, I would like to ask, if optional funds are to be used, are they to be computed or excluded from the computations?

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: In reply to that question, our thinking has been, in the bill that we filed and also in this amendment, that these funds should not be computed.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: That creates some problems. I think one of the most ridiculous problems is the Town of Bristol. It pays into the state general revenue more than \$129,000, and for 1977-78, they are in difficulty. Last year, they had to come to the State Board of Education with their hat in their hand pleading a hardship case, asking the State Board of Education to give them permission to raise on the local level money enough to operate their elementary school. It would have reduced their pay-in \$165 from \$129,000 plus.

You have difficulties whether you include it in your computation; if you don't include it in your computation, then you can look forward to 1978-79 budget when many of you may be back here facing increased costs of education.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I have incorporated into the school funding act another amendment that I am going to present later on this afternoon, I presume, which would allow, when the State Board of Education grants a waiver and the local community demonstrates a hardship, that they need to raise more money on the local level to meet their basic educational needs, the State Board grants that waiver, I would allow

that to be included in the school cost for next year. That is not frivolous programs, that is basic educational needs, and it should be included in the total cost of education. It is not included now and I think that is an error, it should be, and I hope later on when I present this other amendment that it will be a part of the Appropriations Act to fund schools. Communities that demonstrate hardship and the School Board grants them a waiver to raise more money on the local level to meet basic educational needs, that should be included in next year's computation for school funding.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we are getting down to another one of these dilemmas in this bill. As Mr. Lynch pointed out, if we don't compute it in, there are going to be towns that are going to have to go to the state with hat in hand for money. If we do compute it in, we are possibly giving a windfall to some of the towns in the future.

My personal feeling is that it shouldn't be computed in. Mrs. Najarian has pointed out, and I believe rightly, that if you don't put this on, towns can, again, go with their hats in their hands to the State Board of Education and try to get a waiver. If this were put in, they wouldn't have to go with their hats in their hands to get a waiver. I think we should face the question now and I think that this is the best possible solution for this.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mrs. Najarian, that House Amendment "E" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

Mrs. Mitchell of Vassalboro offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-142) was read by the Clerk.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I will begin by saying that I hope my amendment fares better than the previous three or four.

This amendment, in contrast to the first one that Mrs. Najarian offered, addresses the problems of the low valuation units, those units with very small amounts of taxable wealth. I am talking about the leeway provision, and to refresh your memory, the leeway provision is that amount of money a municipality can raise after its basic allocation. To me, it is the heart or the guts of an equalization school funding law, because it says, for those extra dollars that you need, no matter how poor in property valuation your town is, you have the same chance of raising those extra dollars as the towns with the most property valuation.

The bill, 1445, sets leeway at \$100. My proposal is to go to \$125. For those of you who are interested in following printouts, there was distributed on your desks yesterday a yellow sheet which showed the impact of \$125 in leeway upon certain local communities. You might wish to look at this and see how it affects you.

If the state goes to \$125 and participates in these communities raising of funds, the state is sharing at a level of 33 percent, and when this law was first enacted, we thought leeway was so important we shared at over 40 percent. L. D. 1445, in an attempt to make the funds go as far as possible, lowered the state's responsibility to 22 percent. This measure is the best way to get the funds for the low valuation communities.

I have done a lot of reading on school finance and on equalizing things, and I know that there is no ideal formula yet, but the one thing that most of these school finance formulas have in common is what they call the power equalizer, equal access to those extra dollars.

When the law was first introduced, the design was to give those schools a chance to improve their education, to add things, maybe add physical education or something that unit thought was very important that they never had before. But over the past few years, leeway has been used simply, as we like to say in this House, to keep the store open. We have had to use leeway simply to keep the status quo, and you can go back and ask any of your school committee members if that isn't so. We have used it for start-up costs for those mandated special education programs, many things like that. It is for this reason I think we should fund leeway to the best of our ability. I am going to have to deal with something now that the Appropriations Committee is going to bring up; I see Mr. Higgins ready to go on this one.

We have talked about a \$3 million surplus and we are all trying to spend it many, many times. The Appropriations Committee Bill took this \$3 million surplus, and I will call it a surplus, and I would like to refresh you on that too. It resulted because we didn't want any more deficits in the Department of Education, so we appropriated the maximum amount of leeway. If every school unit chose to use it, we would have enough dollars there; they did not. That gave us some extra money.

In all the categoricals, and by that I mean special education or transportation or vocational education, the unit was limited to its estimate or its actual cost, whichever was lower. So, often the estimate prevailed and the actual cost was not reimbursed and the department got some more money.

I am talking about \$3 million, which is called a surplus, which your local communities raised last year on the uniform property tax or the General Fund combination that I am trying to give back to the schools through this provision.

The Appropriations Committee used it in arriving at the \$290 figure. They used it to keep from taking another \$3 million out of the General Fund so that when we are told we have an extra \$11 million for funding all other L. D.'s, they could say we had \$11 million as opposed to subtracting \$3 million.

So, I won't kid you, I want to take this money out of this eleven, it will have to come from there, reducing it, I am trying to put it all out front, so you would have this much less money, approximately \$2.5 million less from this \$11 million which we are using to fund other things.

You have to question your priorities. I think education serves all the children and all the people of the State as opposed to some of the other L. D.'s which might serve only small segments. Earlier today it was said we were not funding education, and we did last year. May I remind you that last year the communities \$27 million beyond our allocation, and from what I can see, we are doing the same thing again, communities are going to have to go back to their pocketbooks and my bill would make it just as easy for the towns with low valuations to go into their pocketbooks and keep their doors open, not adding new programs but just to keep the programs they now have going.

I urge the support of this amendment.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: As much as I appreciate the efforts that Mrs. Mitchell from Vassalboro is making, as much as it would help my community which does not get anything under the \$100 figure but would stand to get some \$22 per student under her proposal at \$125, it

goes against the grain of this House, which has basically set itself upon a spending level of \$290.6 million.

I would move the indefinite postponement of Mrs. Mitchell's amendment and would certainly point out that in our discussions between Taxation and Appropriations, members of Appropriations have said on several occasions that the tone of the House is not to buy \$290.6 and, therefore, they would include, at the appropriate time, possibly in the Part II Budget, that amount of money that would go from the \$100 to the \$125. That will be out in late June and it would be at that time that the members of the House could weigh that added \$2.5 million expenditure with other bills that will be before the legislature at that time.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to clarify one point, and that is, if you have all taken out your yellow sheets which talked about the amount of money that your town or district could gain with this amendment, the figures are not exactly correct in that this particular sheet compares what you would get from \$125 per pupil to what you would get with \$90 per pupil leeway.

In the Appropriations bill, the figures are \$100 per leeway, so that although this particular amendment may cost us \$3 million in all cases, or just about in all cases, I can't think of any that would be the exception, the amount that your particular town or district would gain from this amendment would be less than is on this yellow sheet. Unfortunately, we don't have a printout showing the appropriation figures for what each town would get in leeway or could get in leeway at \$100 per pupil.

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

Mr. BAGLEY: Mr. Speaker and Members of the House: I just want to say that regardless of what we do here, we know that we are going to raise local taxes. This figure of \$290 million or whatever other figure we come up with, we know local taxes are going to have to go up.

This amendment would simply mean that the raise in local taxes wouldn't be quite as severe and we could get a little of that back, in the poorer towns especially, from the state.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to commend the good lady from Vassalboro, Mrs. Mitchell. She has put it all up front for you and explained very well what her amendment would do.

The intent is an admirable one. I think we all would like to have \$125 leeway, I think we all would like to be talking about \$327 million for education if we had it to relieve some of the burden on the property tax. The point is, we don't have it.

I would remind the House that this amendment would, in fact, for all intents and purposes, if it were adopted, put this bill in the same situation as the bill we voted on on Monday of this week. It would be the same bill as L. D. 1234, I think it was.

The other thing that I would bring to your attention that I did mention on Monday, was the fact that if you adopt \$125 leeway, you are in fact mandating a \$2 million increase next year in the leeway account to fund education. Because of the six-month delay in funding leeway, we will have a \$2 million carry-over in the next fiscal year of the biennium.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "D" be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, 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 pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "D" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloups, Austin, Beaulieu, Benoit, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Breneman, Brown, K. L.; Burns, Byers, Carey, Carrier, Carter, D.; Carter, F.; Connors, Connolly, Cote, Cunningham, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fowle, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kelleher, Laffin, Littlefield, Lizotte, Lunt, MacEachern, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahon, McPherson, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peltier, Perkins, Post, Raymond, Shute, Silsby, Smith, Sprowl, Stover, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wilfong.

NAY — Bachrach, Bagley, Bennett, Berry, Blodgett, Brown, K. C.; Bustin, Carroll, Chonko, Churchill, Clark, Cox, Curran, Davies, Elias, Fenlason, Flanagan, Garsoe, Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbs, Howe, Kilcoyne, LaPlante, LeBlanc, Lewis, Locke, Lynch, Mahany, Martin, A.; McKean, Mills, Mitchell, Moody, Morton, Peakes, Pearson, Peterson, Plourde, Prescott, Quinn, Rideout, Rollins, Spencer, Strout, Stubbs, Talbot, Tierney, Wood, Wyman, The Speaker.

ABSENT — Ault, Bunker, Gauthier, Goodwin, H.; Kany, Kerry, Lougee.

Yes, 90; No, 54; Absent, 7.

The SPEAKER: Ninety having voted in the negative, with seven being absent, the motion does prevail.

Mr. Tierney of Lisbon Falls requested a roll call vote on passage to be engrossed.

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

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

The SPEAKER: The pending question is on passage to be engrossed of 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, House Paper 1295, L.D. 1445. All those in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bagley, Benoit, Boudreau, P.; Brown, K. C.; Burns, Carey, Carrier, Carter, D.; Cox, Cunningham, Dexter, Diamond, Dow, Dudley, Dutremble, Fenlason, Garsoe, Gillis, Goodwin, H.; Gould, Green, Higgins, Hobbs, Howe, Huber, Hughes, Hunter, Immonen, Kane, Kany, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Masterman, Masterton, McBreairty,

McKean, McMahon, Morton, Palmer, Pearson, Peltier; Peterson, Plourde, Prescott, Quinn, Rollins, Smith, Strout, Stubbs, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Truman, Twitchell, Whittemore, Wyman.

NAY — Aloupis, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Bustin, Byers, Carroll, Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Curran, Davies, Devoe, Drinkwater, Durgin, Elias, Flanagan, Fowlie, Gill, Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hickey, Hutchings, Jackson, Jacques, Jalbert, Jensen, Joyce, Kelleher, Kerry, Mackel, Marshall, Martin, A.; Maxwell, McHenry, McPherson, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Perkins, Post, Raymond, Rideout, Shute, Silsby, Spencer, Sprowl, Stover, Talbot, Tarbell, Tozier, Tyndale, Valentine, Wilfong, Wood, The Speaker.

ABSENT — Ault, Bunker, Gauthier, Lougee, Mills.

Yes, 71; No, 75; Absent, 5.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Relating to School Funding and Inventory Tax Reimbursement" (Emergency) (H. P. 1160) L. D. 1252) which was tabled earlier in the day pending passage to be engrossed.

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

House Amendment "A" (H-137) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Before I begin to debate this amendment, I would like to indicate my sincere appreciation for the action of the House yesterday to let this go to second reader so I could offer this amendment. I do understand the courtesy was extended and I am very much appreciative of that.

The amendment that I have just offered basically replaces everything in the bill, so if this were to be adopted, it would in fact become the bill.

As you all know, this attempts a marriage between education finance and inventory reimbursement. It provides for the repeal of the uniform property tax, and I think from an education point of view, it perhaps might well appeal to a larger number than have the previous two repeal efforts.

I want to try and be just as concise and short as the previous speakers have been, but I do want to very briefly explain what is contained in this particular amendment.

In terms of the education subsidy, the school units in your districts will receive the same basic allocation under this amendment that it would have under the appropriations bill that was just recently defeated a few minutes ago with the one exception that this amendment does in fact guarantee that the local leeway provision would raise \$125 per pupil on the 2 mill effort. This is basically the same amendment that Mrs. Mitchell offered that was defeated.

The bill differs from the appropriations bill in, obviously, that it repeals the uniform property tax and that the city or town must raise the lesser of the two following: One, an amount equal to 11½ mills on state valuation or, two, the allocation for a school unit would receive as computed, under the existing law, and, finally, there is a ceiling imposed and that

ceiling is defined in this manner. It includes the sum of the minimum local property tax effort, local leeway up to 2 mills and the difference between the previous year's budget and the allocation in the year of funding. Other than those three differences, the minimum local effort, the ceiling and the repeal of the uniform property tax, there is no difference in the law from what we presently have on the books or from what was proposed in the appropriations bill.

Now, let me very briefly address the question of inventory reimbursement. The reimposition of the inventory tax even for one year met with almost total opposition from the business community at the public hearing before the Joint Committee on Taxation last Wednesday. This amendment suggests several increases in taxes which are listed on the last page of the amendment, page 22, which would generate enough revenue in order to reimburse the inventory tax at the rate of approximately \$14.3 million.

There is a little bit of a difference between the formula for inventory reimbursement in this amendment than there was from the original bill, and that is that instead of reimbursing based on 1973 inventory, we are averaging the 1973 and 1976 inventory and reimbursing on that basis.

In the second year of the biennium, the state revenue sharing to cities and towns would be increased from 4 to 8 percent to make up the difference in the inventory tax.

I think if there is one thing at this time that I would really like to emphasize, and I don't wish to beat a dead horse, but I think there are some things regarding the uniform property tax that have not been debated or discussed on the floor of this House. I think they are issues that I realize are very important reasons why the uniform property tax should be repealed as I have worked with this bill for the past four years. I would like to state them very succinctly and very quickly.

Number one, I would offer and suggest that state valuation will always be the reflection of the local valuation, and I seriously question, despite the fact that we are moving towards standard assessment ratios, what amount of equity there is on the state valuation between communities.

Number two, pay-in communities result from two factors in my opinion, escalating state valuations and the second, one in those same towns that have escalating state valuations, relatively low pupil enrollments which generate a small allocation. The combination of these two matters from the tax point of view are deadly to approximately 55 communities in the State of Maine.

Number three, a feeling seems to prevail in this legislature, and I am not sure that it is the feeling throughout the State of Maine, but certainly in this legislature, that we like to soak the non-resident property owners, that for some reason they are not paying their fair share, and we attempt to do this through the mechanism of the uniform property tax.

The result is, in fact, that we wind up raising everyone's taxes in the pay-in communities, both residents and non-residents, and what we may be doing in the long run, if we continue to impose a uniform property tax, is to force Maine residents that may have relatively low earning power and relatively low incomes to a point where they have to sell their property or have to sell their homes. I see this happening in a few isolated instances at this point in the communities I represent, and I think it is very, very unfortunate that a tax policy of this state should force that result.

What we may be talking in the long run is that as people become less and less able to pay property taxes, that we are having the relatively well heeled, higher income brackets be able

to purchase coastal property, turning much of the coastal zone into a leisure community.

The fourth point I would like to bring out, it is my understanding that the Town of Washburn recently is in the process of having a substantial manufacturing facility added to its community in the company of the R. T. French Company. It is my understanding that the town fathers of Washburn came before the Taxation Committee this year in opposition to the uniform property tax, despite the fact that three or four years ago they were strong proponents of the education funding law. What is happening in all probability, is that the increased valuation as the result of the addition of that plant to the Town of Washburn will probably make them a pay-in community. Let me submit, ladies and gentlemen of this House, that every time we have a large industrial facility added to a community in the State of Maine, the potential exists for that community to become a pay-in community. What is going to happen is that individual legislators who represent that community will then be proponents of repealing the uniform property tax.

I would submit to all of you this afternoon that the continued imposition of the uniform property tax may well in fact hinder some of the economic growth in Maine that we all desire.

It is very difficult for me or other members of the legislature that represent pay-in communities to communicate to you the frustration that we have experienced trying to represent our constituents on this particular issue. I think the one issue that bothers me the most is that I have seen on the floor of this House on a number of occasions during the period of time that I have served here a feeling of concern for either the rights of a minority or the rights of a minority position. Very clearly, the number of people, the population of this state that reside in pay-in communities is a small percentage, but I ask you in all seriousness, is that any reason to rub salt in the open wound, so to speak.

It seems to me that, as the saying goes, we can have our cake and eat it too. We can enjoy the benefits of a sound education law, in which I believe, by adopting this amendment which repeals the uniform property tax.

I personally have a very strong feeling for the quality of education of our young people, and I think every legislator shares that feeling, but I submit to you that we are not really beginning to discuss what we should in terms of quality education of our young people in the State of Maine until we can sidetrack so much of our efforts that of necessity have to be focused on the uniform property tax.

With all the humility that I can possibly muster, I do ask you very seriously to consider this amendment as a vehicle for resolving these two very important issues and, Mr. Speaker, when the vote is taken, I request the yeas and nays.

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

Mr. CAREY: Mr. Speaker, I would move indefinite postponement of this amendment and I would try to give you the reasons why. It is another attempt to repeal the uniform property tax within this body when this body has already said on many previous occasions through the funding bills that we have had that we are going to be sending repeal out to the public to vote on. I don't see any reason why we should short-cut them at this point.

I am also concerned that this bill, when you look at L.D. 1445 and see that they were asking in 1977-78 \$160.8 million and in this bill, L. D. 1252, asking for 1977-78 some \$164.8 million. This bill goes well above the limit that this House has been willing to buy up to this point, the \$290.6 million.

It is interesting to note that we have gotten away from the words subsidy index that we

tried to use a little while ago. We don't really say any more that 430 towns are going to subsidize the coastal communities, but we are still saying that we are going to repeal that part of the tax which forces some communities to raise more than what they need to fund education locally. I am interested in noting that on page 22 of this long amendment, we have to raise some \$15.3 million to help fund the package when it would be very simple not to repeal the uniform property tax and give away some \$6.04 million to the coastal communities.

This amendment would need much more work than it is worthy of, and I would certainly hope that you would support the motion to indefinitely postpone so we can go to other amendments that may have more merit than this has.

I am well aware that there has been a marriage between the Maine Municipal Association and the coastal communities, and I would be less than candid with you if I did not tell you that I am on the Executive Board of the Maine Municipal Association and, obviously, I have not stood up here to expound their position, rather, I would like to point out to you that in my other capacity as the Mayor of a municipality here, my community stands to lose a total of \$414,000 if we do not fund the inventory tax, but I am willing to stand up here and tell you, and some are not, that my community benefited greatly when we were guaranteed that \$414,000 over the past three years and in the coming years. Whether this House appropriates the money or not, there has been a commitment, and I feel that this House will honor commitments made by prior legislatures.

Let me tell you about the benefits that my community has reaped, supposedly, because we had the inventory tax frozen. We had to raise money at a lower rate than we had in the past, yet guaranteed all the money we had coming in, \$414,000, and it was through an inquiry of mine to the Attorney General's Office and the Maine Municipal Association that we had that valuation for inventory taken off our books. You might be interested in knowing that in the case of Waterville, that lowered our tax effort by some \$98,000 annually for the uniform property tax. So you add the \$98,000 benefit to the \$414,000 benefit, and in spite of what some people out of the Maine Municipal Office may say, the formula for putting revenue sharing together at the state level involves itself with the local population in relation to the state population, the local tax effort in relation to the total state tax effort, and the state valuation of the local community in relationship to the total state valuation. And because we had a reduced valuation, which is one of the factors in the formula, we got a slight increase in our revenue sharing formula as well. I haven't taken the time to work that out, but we have gained, with the lost valuation under state revenue sharing, we have gained under the uniform property tax and I strongly feel that we, as municipalities who have inventories, must bite the bullet to some extent and not demand full inventory reimbursement as long as the pay-in communities have to continue to pay in.

I am willing to run back to my community when this whole thing is over, and if I am partly responsible, if not solely responsible for denying my community full reimbursement, I will face the music in front of my community. But, hopefully, if I can tell them what I am telling you today, that we have benefitted over the past four years, then they will understand that the mortgage is now due and it is as simple as that.

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

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

Mrs. KANY: Mr. Speaker and Members of

the House: I strongly support the remarks of Representative Carey. I hope that you will indefinitely postpone this amendment. It just seems to me that there are only about 36 hard-core votes for repeal of the uniform property tax, and I don't think any of us should be making this trade-off. We are talking about something long term on equal financing for education, and when we are talking about inventory tax reimbursement, I haven't heard anybody speak about reimbursing for more than a period of five years. Let's not trade something which is of long-run importance for something of just short-run significance to us.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: There is another problem which I have with this amendment. I have had it with the original bill. I would call your attention to the Statement of Fact, number three, where it says it will require a minimum local tax effort equal to the unit's allocation on an amount raised by 11.5 mills times the state valuation of the unit for 1977-78, whichever is lower, which appears to require a minimum effort behind each pupil, but if you look back in the bill on page 3, again, it says the minimum local property tax effort. But, you go to page 4, the bottom of the paragraph under 3-A, it says, any unit which raises less than its allocation as determined in this section and makes less than the minimum local property tax effort for education shall receive no state education subsidies under this chapter, which by implication certainly means that a community does not have to make this minimum effort, and even worse than that, a community which for some reason does not make the minimum effort, the pupils in that community will lose that money plus a double penalty of losing any subsidy that would come from the state.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I am supporting this amendment today which, believe it or not, probably comes as a surprise to the gentleman from Stonington, Mr. Greenlaw, since I had indicated and still feel for various reasons that I will go into later, I can't support a franchise tax, or the franchise tax as outlined in the bill.

However, I do support the concept of living up to two commitments that this state has made, one made in 1951 and one made three years ago, of living up to both commitments, and that is that the state does not get into the property tax business and therefore the uniform property tax is repealed, even though we keep equal educational quality, and the other is reimbursing the communities to the loss of business inventory.

I think it is very clear that people who have stood here today and asked for this amendment to be indefinitely postponed have said in fact that in doing so they do not support reimbursing of the communities for the business inventory tax. I think you ought to consider that very carefully when you vote on this bill.

As I said, I think there have to be some changes in the amendment, but at this point I would ask for your support in adoption and ask that you oppose the motion to indefinitely postpone.

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

Mr. CAREY: Mr. Speaker, earlier in the day I received a supplemental calendar which had been printed in 1975 when we were dealing with a bill, L. D. 1452, and we were involved with an amendment which would have given a maximum \$250,000 of tax relief to the pay-in communities. The only one receiving the maximum at that time was the Town of Wiscasset, and that question went to the Supreme Court. I have been able to get a copy of that and Mrs. Na-

jarian was kind enough to give it to me, and I would ask Mrs. Najarian at this point, if I may direct a question through the Chair, about the very questions that the Supreme Court answer and if in fact we repeal this tax, are we not putting ourselves in a position of unequal participation for education?

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: In an attempt to answer the question of the gentleman from Waterville, I believe that the courts would again say this is unconstitutional, and I will just quote one phrase from their opinion. In the first year that this finance act was law, the coastal communities primarily were allowed to phase in. The law said that no community would have to raise on the tax any more than 2½ mills beyond what they had been raising for education, so that meant unequal tax rates. Most of the 426 communities had to raise the maximum amount, which was 13¾ mills at that time and in fact that was a higher rate because those communities were not paying the uniform property tax.

In the second year, the state said, we will assess, every community will tax themselves the uniform way. However, for those communities who pay in, we will pay back some, but, you know, it was believed it was constitutional because you were assessing at the same rate. So we asked an opinion of the Supreme Court whether the state is required under Article IX, Section 8, to assess and tax all property in the state equally. We asked their opinion, if you assess the tax and they raised it but then you pay them back, is that constitutional? The courts, at that point, answered it would not be constitutional. I think the one phrase that would probably apply even to this law says, "By virtue of this exposition of the underlying structure within which the proposed bill has seen fit to be operative, it becomes plain, regardless of the labels affixed," that is important regardless of what you call it, "educational subsidy index, etc. In its true substance, the end result of the tax rate computational process, is a school tax rate effectively higher in some municipalities than in some others," and there is more to this, but I think that one brief statement indicates that again this would not be a constitutional measure.

I support the motion to indefinitely postpone. I support most of what Representative Carey said, except I disagree with him on reimbursement of the inventory tax.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I thought I would let that letter go by when it was read yesterday, but I can't let it go by again. I think it is important to clarify exactly what the question was that we asked the courts last year and what little relationship it has to the actual bill that we are discussing today. What the court said last year was, you can't tax and then give back some of that money; you can't tax unequally. That is how we got in the position of having to give a rebate to some towns of more than 20 percent. They said, you can't tax unequally, you can't levy a state property tax which sets the mill rate for some towns and another mill rate for others, or only collect from some towns, and that is actually why we can't in essence forgive the pay-in, that is why we have to repeal the tax.

What this bill does, and what the other bills do that have been presented by those who are favoring repeal of the uniform property tax, it uses state valuation or if you want, inability to pay, is an index on how much a town should receive for the support of education in their schools. That is why it doesn't undercut at all equal education quality for all children. It does not tax.

I want to make it very clear that the comments that Mrs. Najarian put in when she ran through a list, whether you call it subsidy index or repeal of the business inventory tax, whatever, were not in the Supreme Court opinion, those were added, and that particular opinion has nothing to do with the issue that we are discussing today.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I strongly disagree with the opinion just stated by Representative Post, because when the state requires a certain amount per pupil allocation and it requires that to be raised, and some communities can do that with one tax rate and others with a different tax rate, then you are in effect levying at the state level an unequal property tax. I have the opinion here and would be glad to make copies for everybody. If you read it carefully, it has both to do with setting the level of education, which we are doing in this bill, and it also has to do with the amount of mills required to raise that amount of money in each local unit. There is no question in my mind that that is absolutely unconstitutional.

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

Mr. SPENCER: Mr. Speaker, I would like to pose a question through the Chair to Justice Post or Justice Najarian as to whether either one of them has requested an Attorney General's opinion on this particular question?

The SPEAKER: The gentleman from Standish, Mr. Spencer, has posed a question through the Chair to the gentlewoman from Portland, Mrs. Najarian, or the gentlewoman from Owls Head, Mrs. Post.

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

Mrs. NAJARIAN: Mr. Speaker, I have asked the Attorney General for an opinion a few weeks ago and Donald Alexander was supposed to provide me one. The reason he has not, I think, is because we are also levying another property tax which is presently unconstitutional, and that is our state and local government tax, and I think he was just afraid to get into that whole ball game, and that is why the delay on the opinion.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The good gentlewoman from Portland has just opened up another can of worms that I really don't think we want to get into this afternoon, but it is a legitimate issue.

I do want to take issue with her comments about the proposed constitutionality of the minimum effort contained in the amendment before us. I think it is very, very important to understand and separate two issues here. We are talking about taxes on the one hand and allocation on the other hand. It seems to me that the whole thrust of education reform legislation and court litigation has been about the type of allocation that a state makes to, if you will, power equalize, as Mrs. Mitchell put it a little bit earlier, the ability of a community to raise tax dollars to support the education of the children.

The State of Maine has, in fact, come a long, long way when we went from funding about 30 percent from the General Fund to somewhat in excess of 50 percent. I would submit that there are many, many states in this country that are funding far less than 50 percent, and I think that is the question.

I think we are able to equalize the dollars, or equalize the support behind every child in Maine, regardless of where they reside, based on the allocation level, and I think the two issues are separate and I think the suggestion by the gentlewoman from Portland, Mrs. Najarian, is inaccurate.

Mr. Speaker, when the vote is taken, I request the yeas and nays.

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

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

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

ROLL CALL

YEA — Alopous, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laifin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Talbot, Tarbell, Teague, Theriault, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Whittmore, Wilfong, Wyman, The Speaker.

NAY — Berry, Birt, Blodgett, Brown, K. C.; Byers, Carter, F.; Fowle, Gillis, Greenlaw, Hutchings, Mackel, Moody, Post, Quinn, Spencer, Stover, Tierney, Valentine, Wood.

ABSENT — Austin, Bunker, Carrier, Dudley, Gauthier, Lougee, Norris, Tarr.

Yes, 124; No, 19; Absent, 8.

The SPEAKER: One hundred twenty-four having voted in the affirmative and nineteen in the negative, with eight being absent, the motion does prevail.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have finally found the vehicle to present my amendment. The name of the sponsor is good, the title is good, and it stops there. I am amending the bill by striking out everything after the title and then inserting in place thereof the following.

At the outset, I would like to state that it is not my intention in the least to be a king maker. I have offered this amendment to the leadership of my own party, I have offered it to the leadership of my own committee, I will say that I have never worked as hard on a project, outside of possibly one, since I have been here.

This proposal is not the perfect vehicle; there is no such a thing as a perfect vehicle. This proposal I have rewritten and redrafted and corrected and replaced up to 11:25 last night when I finally gave up and started again at 4:15 this morning to get here at seven o'clock to have it reproduced.

In order, Mr. Speaker to have the situation well in order, I present House Amendment "B" and moved its adoption.

House Amendment "B" (H-138) was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker, Ladies and

Gentlemen of the House: The supporting information that I gave you would indicate to you where we are as far as revenues are concerned in the budget document. The 419 and 444 figures, and I am using round figures, if you would take the figures 149, 659 and 255, 235 for the first year, 164, 625 and 263, 917 for the second year and add those, and subtract those from the 419 and 444, you would come up with an available balance of \$14,684,259 the first year; \$15,684,044 the second year.

This proposal calls, and I want to state the facts as they are, calls for 11¼ mills, viz-a-viz the 11½ mills. The 11¼ mills will bring about a slight rise from the \$16 million as was in the bill that we defeated a short while ago because of the fact that it rises from 11½ to 11¼. However, the measure calls for a 70 percent inventory reimbursement for the first year and 60 percent for the second year.

Now, in the major communities, this means a great sum of money. Using two areas, my area would pay \$80,000 more from the property tax to the state, but in turn we would get \$549,000, although our inventory is \$775,000. There would be a phase-out program of 70-60, 50-40, 30 and 20. The difference, of course, is that the bill that we just defeated in this House a short while ago would leave \$11 million of available balances.

This measure here, from there on, means no taxes. It will leave, after the 70 and 60 percent inventory money is taken to the tune of \$10 million and \$8,580,000, it still leaves \$4,674,259 for the first year and \$7,104,049 for the second year of the biennium for other programs without any taxes whatever, without any sales tax on cigarettes, without any corporate tax, without an income tax, without any 5 percent tax on the gasoline tax. Those forms of taxes and other forms of taxes are completely out.

I brought out the 11¼ differential which would mean that we would have to pay more from the property tax, because I want to be thoroughly honest with you and I want to tell you what the facts are. As we were, if we were to pass the other measure that was before us in order to fund the program of reimbursement, even at my level, in order to give money for other programs, Part II for one thing, even if we would split it in two from the \$10.5 million, or thereabouts, that the Governor calls for, L.D.'s, other programs would necessitate absolutely and positively a major tax increase. Even a 5 per cent tax on cigarettes or a 5 percent tax on gasoline is not only to me a major tax, but I would hate to go over to a garage and say "fill it up" and then when it is filled up I give what is on the tab and then I am told you have got to pay a 5 percent sales tax, or I buy a carton of cigarettes and I am told I have got to pay 25 cents more sales tax after you pay 16 cents a pack tax on the package of cigarettes. I don't drive and I don't smoke, so it wouldn't affect me too much, but I would hate to be sitting in a jump seat because I don't like to hear that kind of language.

I am being thoroughly honest with you. My program, in that it raises some monies more to make up the differential between 11½ and 11¼, gives the \$100 leeway but it is the only program that absolutely and positively leaves money for Part II and other available programs, and it is the only program that will not harpoon you with a tax.

The reason I was very obviously confused yesterday, being tired is no excuse, but the reason that I was more than confused was because I saw this pitch coming. If we had passed the bill we just defeated, which has in it only the school funding, whatever percentage, we could put the inventory tax reimbursement in the Appropriations Act or we could use some other vehicle or we could even make a vehicle to do so, but then you would be told bluntly, if you want the reimbursement, you have got to pay for it, and I want no part of that.

I am fully aware, Mr. Speaker and members of the House, that these are trying days, but I can say that as far as I am concerned, and I am speaking for myself, I did not dig this hole for myself, repetitious, yes, but I said from the very outset when I wanted to defeat 1994 that we were in a jam the second year to the tune of \$23 million, and we were. We came back to correct it with 1452, and I said then, and the record is on my desk somewhere, or anyone can get it on the second floor, I said then that we were still in trouble and we are here and we are back in trouble. I am trying, in my humble way, to give of what knowledge I might have accumulated to help the situation out.

I repeat myself, of no intention whatever of being a king maker, with no intention whatever of saying it is my deal, it is not my deal.

I have consulted with several experts in the Legislative Finance Office, which, in my opinion, is second to none in this country. I have consulted with people who even were very much opposed to my proposal. I have done something I don't do very often, I have asked a few people to go along with me. I feel stronger about this proposal than any other piece of legislation I have ever presented before this body. This is a sound piece of legislation, it is an honest piece of legislation, it is an acceptable piece of legislation, and it is something that we should pass.

Mr. Speaker, when the vote is taken, I ask for a roll call.

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

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

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: As much as I hate to, I rise to oppose this amendment, and I oppose it for two reasons; number one, 11.5 is as high as I can go.

The total state education budget is up only 9.6 percent. At 11.5, the uniform property tax is up 13.9 percent. This brings it up even higher. But the real reason I can't support this is because we are going to find a way to dig ourselves out of the hole for the inventory without a tax increase, and we are going to leave \$4.6 million to fund everything else, including the University of Maine, everything in Part II, all the L. D.'s, things left out of Part I such as vocational ed for \$1.3 million, and the state employees. Any of you who want any of these things such as the free drugs for the elderly, the tax relief program, the state employees, the University of Maine, do you honestly think that they are going to be able to bear the brunt of a tax increase? Do you think we can fund them with \$4.6 million? I would rather put the burden on the inventory tax; I would rather vote for a tax to pay that, and I would hope that this amendment would be defeated and that you would give serious consideration to an amendment which would be offered by Mrs. Najarian in a few moments.

I move the indefinite postponement of House Amendment "B".

The SPEAKER pro tem: The gentlewoman from Bath, Ms. Goodwin, moves the indefinite postponement of House Amendment "B".

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

Mr. CAREY: Mr. Speaker and Members of the House: For the benefit of the gentlelady from Bath, Ms. Goodwin, and other members of the House, the 11.75 is very unacceptable to me. It is an extra 13 million that we have to raise,

and I am having prepared for your consideration an amendment to Mr. Jalbert's amendment which would reduce that tax rate back to the 11.5 that Ms. Goodwin is interested in having as well as many of us.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I rise in opposition also to this amendment and fully realize the amount of time that Representative Jalbert has put in on this amendment, we all do that and see it go down the tube.

The reason I oppose this bill is that I feel very strongly that this legislature should keep its commitment to reimburse the communities for the inventory tax as was promised in 1973. But this bill takes \$10 million of what surplus we have just to do that, leaving only \$4 for everything else as Representative Goodwin has outlined — the state employees, the university, adult education, all the things we need to do. Ladies and gentlemen, there is no way we are going to leave this House and fulfill what I believe are commitments to the people of this state and not pass some kind of tax increase.

I would point out that this definitely is a tax increase, it is a tax on local property. If you reimburse the inventory at \$10 million, that is a 2 mill increase in the City of Portland on everybody, and those on fixed incomes and the working poor. A quarter of a mill increase in the property tax is \$2.5 million and that is a tax increase on everybody in the state.

Another point is that the total costs of education have increased \$25 million this year over last year. According to this amendment, \$6 million of that increase would come from the General Fund and \$19 million from the local property tax. That should be more a 50-50 sharing of picking up that different cost, and \$6 million in the General Fund as compared to \$19 million in the uniform property tax I think is most unfair. I hope you will support the indefinite postponement of this amendment.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I think that with this amendment the issue has been put squarely before us. We are now faced this afternoon, and it depends on what our commitment is to our constituents, whether or not we are going to vote for a major tax increase, and that is exactly where the question lies. If you vote to indefinitely postpone this amendment, then you are committing yourself to a major tax increase, each and every one of us before we get out of here. If you want to accept the amendment presented by the gentleman from Lewiston, Mr. Jalbert, who readily admits, and I along with him, that is certainly it is not a panacea but it is a more equitable answer to me to a very, very complex problem.

I voted for an income tax increase in the last regular session, and I don't feel that the people of this state are ready or able to sustain another major tax increase. I hope that you will vote against the indefinite postponement of this amendment and that we can pass it and that we don't really lock ourselves into a major tax increase.

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

Mrs. KANY: Mr. Speaker, may I pose a question through the Chair to Representative Jalbert. I would like to know if the four to eight million dollar revenue windfall was taken into consideration in this amendment? In your earlier explanation it wasn't clear to me.

The SPEAKER pro tem: The gentlewoman from Waterville, Mrs. Kany, has posed a question through the Chair to the gentleman from

Lewiston, Mr. Jalbert, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. JALBERT: Mr. Speaker, I would have to ask a question of enlightenment, Mr. Speaker, if I may. Is the gentlelady from Waterville speaking of the estimated surplus that we are reputed to probably have.

I might say this, the answer to that is absolutely and positively and definitely no. I don't operate on funding anything at all with phantom money.

Two months ago, we were \$3.5 million high and a month later we wound up with \$15,000 and I am not going along with any phantom money. I said I thought we might have a surplus; I hope we do have a surplus, but the surplus would have nothing at all to do with this thing here, because in order for us to take advantage of this money, if we did have it, in answer to Mrs. Kany, the good lady from Waterville, we would have to have an order from the Executive Department raising the estimates. That is the only way we could ever use that money.

If I may, Mr. Speaker, in answer to two of the lovelies who spoke, the lady from Bath and the lady from Portland, you know, it is all very well for them to vote for a biennium program calling for \$290 million and then turn around and say, this leaves us with only \$4 million. If we are going to talk about \$290 million, which is biennium money, then let's talk about \$4 million, plus \$7 million for the second year, which adds up, in my book, to nearly \$12 million. Let's be right about this.

I have readily said that this was not the perfect document. I have readily said that somewhere along the line we would have to pay the quarter mill. I am telling you now, I have worked tirelessly to make this 80 percent on the inventory tax. It is impossible. We could never try to do any of the things that the two lovely ladies have talked about, and besides that, I might tell you this, the time has come when we just can't do some of these things. We have got to start saying no. That is the point right there.

You know, I saw in the last inaugural address where we were going to get all the drugs in the world for one dollar. I never knew anybody that got any free drugs. Somewhere along the line, we have got to pull up, and this is the time to do it.

As far as I am concerned, I am all alone, I am just one vote. The answer to additional taxation coming from this switch is no. If you vote to kill this bill, you are committing yourselves to a major tax. If you vote to pass this bill, it can be amended, but regardless of that fact, if you vote to pass this bill, you will have to pay the differential between 11½ and 11¾, and if the money can be found to knock that quarter out, I would be delighted, but you will get reimbursement money without having to be harpooned by a half a dozen taxes here and there. You have indicated by 127 to 11 to the Speaker pro tem that you wanted no part of that just about 15 minutes ago, and I think probably the lady from Portland, Mrs. Najarian, might have caught that message. If she didn't, when this is over and she presents her amendment, she will catch the message.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: Representative Jalbert has a lovely way of getting personal when you disagree with him on a bill. I am only taking issue on what is in the amendment. I don't want anybody here to deceive themselves into thinking if they vote for this amendment they are not voting for a tax increase, because you most certainly are putting a local property tax on more than the majority, everybody in this state, a local property tax increase. That is a major tax increase and don't kid yourselves.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I might suggest to the very good lady, Mrs. Najarian, who is a very dear friend of mine who I nominated two years ago for Assistant Majority Floor Leader of the House, that I was a very, very strong ERA proponent, and as far as I am concerned, that is only one answer to it — if you can't stand the heat, there is the story.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate a bit to get involved in this argument at this time; however, I would like to make it clear that what the gentelady from Portland says is true. There has been a lot of talk here today about if we don't vote for this, if we don't vote for that, we are going to commit ourselves to a major tax increase. Well, I think the figures substantiate the fact that we have already, by voting or perhaps will vote for 11½ mills; have already committed ourselves to a major tax increase to the tune of \$16 million on the local property tax and the state is good enough to come up with \$9 million. There are a lot of us that would like to have that down around 10 mills, where it probably should belong, but the fact of the matter is that the state cannot afford it and we all realize that.

I think we should not be confused at this time about there being a major tax increase if we don't vote for this, that or the other thing. We have already got one and we are going to continue to have one, and it is called a local property tax. I think everyone here would agree that that is certainly not the most fair tax that was ever invented.

The other point that I wish to bring up about the 11¼ mills is the fact that this extra quarter of a mill that is going to be raised under the good gentleman's plan is going to be taken from all municipalities throughout the state and reimbursed, in essence, back to those people who have inventories, and only those people who have inventories. We are asking all the local municipalities to raise and pay to the state an extra quarter of a mill to raise \$3 million more than the \$16 million that they have already raised so that we might be able to send some money back to those people who have inventories, or had them and they may not have them now because it is all based on 1973.

The only other point I would like to make is that the inventory tax, and I think everyone here would agree, is a bad tax. That is why it was repealed when it was. So I say, let's not make it any worse than it is by taking short fall from the property tax and thereby penalizing everyone in the state, whether they have inventories or not.

Mr. Curran of South Portland requested a roll call vote.

Mrs. Najarian of Portland was granted permission to address the House a third time.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: In response to the remarks of the Representative from Lewiston, Mr. Jalbert, I want him to know that I couldn't stand the heat in the kitchen and that is why I am here.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I have examined this amendment and it is about the best one that I can see has appeared before us because it does, at the present time, not promise a major tax increase. You know as well as I do that you are not going to get away without some taxes, whether it be local or state, but if we can keep out of the state taxation, I think that the towns that want to spend money on additional educa-

tion programs that are not already listed, then they should be willing to pay an additional tax. They have the control here, and I think this is an excellent amendment and I hope you pass it.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I might differ with the good gentleman from Kennebunkport. He seemed to imply that the uniform property tax is not a state tax. I think everyone here agrees that it is. We are the ones that set it, we are the ones that collect it and we are the ones who say where it is going to be spent. I don't think the issue should be muddled by the fact that this isn't a state tax or it is not a tax increase. As I said before, it certainly is.

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

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

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

Mr. NORRIS: Mr. Speaker and Members of the House: I am sorry to speak on this again, but I simply wanted to bring out the fact that I haven't seen many vehicles dealing with the school funding law that have been presented here that haven't had 11½ mills attached to them, so we are talking a quarter of a mill, and I say this particularly for my good friend Mr. Higgins from Scarborough, we are talking about an extra quarter of a mill. I think as we look down the road at the lesser of the great evils, and they certainly all are great evils, that one quarter mill is much better than any other proposition that I have seen presented or can envision in my wildest dreams. So we are talking, from anything we have to operate from now, one quarter of a mill. It ain't good, but it certainly ain't that bad.

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

Mr. HALL: Mr. Speaker and Members of the House: I would just like to say one or two things in regard to this amendment. I have been torn between the lesser of the two evils, because in my district it is pretty near split between wanting a uniform property tax and those that don't.

I would just like to relate to you what one of the selectmen in one of the small towns said to me this morning. You are probably aware that I call probably 12 to 15 people each morning from Shirley down to Detroit, and I probably mentioned this many times before but I never want you to forget it. The thing he said that impressed me was, they have got to hurt the people a little before they will take a part. I think that is very essential because when they begin to feel the pinch, then local control will begin to take more of a part in what they are doing to try to save a dollar.

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

Mrs. KANY: Mr. Speaker and Members of the House: In voting against this amendment, I just want to make it clear that I don't think I am necessarily voting in favor of a tax increase, and the reason for that is that within a couple of days we can expect the March figures on revenue, and I personally am very anxious to hear about this rumored four to eight million dollar corporate income tax windfall, and we will be getting those figures within a few days. I want you to remember that.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I hate to take issue with the lovely lady from Waterville, Mrs. Kany. I guess maybe I don't know how to explain myself, I have lost my touch, but regardless of whether we heard about the figures that are coming out concerning estimated revenues, the date is April 14 and we must have an order that will raise the estimates for the amount needed. I see no way of that coming. Those figures are not here today and today is the day and it must be the day.

I hope I made that point clear to Mrs. Kany, and I know I have made it clear to the other members of the House.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: During this filibuster that has been carried about, the House Amendment to the House Amendment has been prepared which would lower the tax rate to 11½ from 11¼, thus saving the municipalities the added burden of an additional \$3 million on the local property tax. I would hope that if I can get a filing number for this thing, I might be allowed by the House to introduce it without it having been distributed, if it were read in full, in an effort to save some time. I would ask the Chair if that would be possible? I seem to get some nods but I don't hear anybody speaking.

At this point, Speaker Martin returned to the rostrum.

The SPEAKER: The Chair wants to thank the gentleman from Stonington, Mr. Greenlaw, for acting as Speaker pro tem.

Thereupon, Mr. Greenlaw returned to his seat on the floor and Speaker Martin resumed the Chair.

The SPEAKER: The Chair heard the question posed by the gentleman from Waterville, Mr. Carey. The Chair would advise the gentleman from Waterville that we can't proceed until we have the original amendment. We could proceed even though it is not printed, but we do need the amendment itself before this body.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Bath, Ms. Goodwin, that House Amendment "B" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bagley, Beaulieu, Bennett, Benoit, Birt, Blodgett, Boudreau, A.; Brennerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Curran, Davies, Dexter, Diamond, Dow, Dutremblé, Flanagan, Fowlie, Goodwin, K.; Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jensen, Joyce, Kane, Kany, Laffin, LaPlante, Littlefield, Locke, Mackel, Marshall, Masterman, Moody, Morton, Najarian, Nelson, N.; Pearson, Perkins, Post, Prescott, Quinn, Rideout, Rollins, Shute, Silsby, Spencer, Sprowl, Strout, Talbot, Tarbell, Teague, Tierney, Tozier, Trafton, Valentine, Whittemore, Wood, Wyman, The Speaker.

NAY — Austin, Bachrach, Berry, Berube, Biron, Boudreau, P.; Byers, Carey, Carroll, Cote, Cox, Cunningham, Devoe, Drinkwater, Durgin, Elias, Fenlason, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Gould, Hall, Howe, Huber, Jackson, Jacques, Jalbert, Kelleher, Kerry, Kilcoyne, LeBlanc, Lewis, Lizotte, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Nadeau, Nelson, M.; Norris, Palmer, Peakes, Peltier, Peterson, Plourde,

Raymond, Smith, Stover, Stubbs, Tarr, Theriault, Torrey, Truman, Twitchell, Tyndale, Wilfong.

ABSENT — Bunker, Carrier, Dudley, Lougee.

Yes, 79; No, 68; Absent, 4.

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

Mrs. Najarian offered House Amendment "C" and; moved its adoption.

House Amendment "C" (H-140) was read by the Clerk.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment repeals everything after the title in L. D. 1252, Representative Greenlaw's bill, for the third time this morning. It is comprised of two parts. One part is the educational funding law which is identical to the bill that was reported out of the Appropriations Committee except for one small thing which was adopted by this House this morning, and I will get to that a little later.

It has a \$290.6 million funding level, it increases leeway to \$100 from its present \$90, it has an 11½ mill rate. The only change is on page 3, Section 7, and that change is, it strikes the word 'not.' I will read it, it is important. "Monies appropriated." This applies to schools who need to raise additional money on the local property tax to meet basic school needs and appeals to the State Board of Education to grant them a waiver. This amendment says that in the future when the School Board grants such waivers, those costs shall be included in the total cost of education the following year. Those are basic educational costs, they are needed or the waiver would not be granted and they should be included and we voted earlier this morning to accept that.

The second part of this bill has a series of different taxes to raise money to reimburse the communities the \$14 million for the lost inventory, reimbursement for repeal of the inventory tax.

Most of this money, it raises approximately \$10 million, and most of this money comes from business, and I am going to explain to you because most of you members were not here in 1973. We have all the freshmen members here and all the second term members here who have never had the history of this whole inventory repeal explained. I guess I will go through the tax provisions first.

First is the one percent increase in the corporate tax above \$100,000. That will raise a little over \$2 million. Present law says 7 percent of all income over \$25,000, and this says 8 percent of all income over \$100,000.

There is a minimum tax on preference income, and that is called loophole income, and that is income in which people can take advantage of so many federal tax credits or benefits and so forth that they end up paying no tax at all. The federal government is beginning to put a minimum tax on loophole income, and this piggybacks the federal requirements at a certain percentage, and that raises about a quarter of a million dollars.

There is the Maine business privilege tax, and that is a tax on all businesses other than corporations, because don't forget, the corporations are already paying a tax, plus the banking institutions. It is a graduated fee and it is based on net business income after they have deducted all expenses. That is on the bottom of Page 8 of the schedule, from zero to \$3,000 — I am rounding off the figures — it is \$10; \$10 on net business income; from \$3,000 to \$6,000, \$20; \$6,000, to \$10,000, \$50; \$10,000 to \$25,000, \$100; \$25,000 to \$50,000, \$200; etc., until you get to \$200,000, it is \$700 tax.

I have talked to many small businesses in my community, I have talked to pharmacists and

ma and pa stores, and the tax that this imposes on them is far, far less than they were paying on the inventory tax.

I have a letter I wanted to read to you from a gentleman in Pittsfield who owns a store and he wrote me the other day because he saw in the newspaper that I was putting a flat tax of \$100 on all businesses. He wrote me a letter and I thought I had it with me, but I don't, and he said "who in the heck do you think you are putting a \$100 tax on all businesses when we are having a tough time." I called him on the telephone and I explained to him what I was doing, that there was a \$4,000 exemption at that point, which he didn't know about, and then he wanted me to send him a copy of the bill. He said he didn't understand it because the exemption wasn't in the newspaper, and he wrote me back and I got a letter this morning where he said, "After careful reading of this proposed bill, I am less disturbed personally for it will be several years from now, the way things are going for me, before it will affect me unless in its administration it calls for more paperwork of any type required which in many cases is so unnecessary and unrewarding." This bill will not require any unnecessary paperwork. The Bureau of Taxation just plans to add another line on the tax form so that they can report their business income. That is one part. This taxes every business that you can think of, but it is based on net income, it is graduated so that those who make very little income up to \$700 maximum.

There is a fee of \$100 on all corporations who presently pay no corporate income tax. There are about 5,000 of these corporations and \$100 would raise a half a million.

Finally, the one part of this bill that does not relate specifically to business is the 5 percent sales tax on cigarettes. That raises approximately, I believe, \$10 million, \$100,000, approximately, which will have to be used for administration, primarily for postage and stationery and that sort of thing.

I believe I have covered everything in that. But if you don't mind I will take a little extra time to go through this inventory tax business.

In 1973, the business community wanted two taxes repealed; one was the sales tax on new machinery and one was the inventory tax which was a very regressive tax, but at that time there was an understanding between legislators and the business community that they would make up the difference, if we repealed those two bills, in other taxes that they considered fairer and more equitable, but there was also another agreement. In order to get the votes to repeal the inventory tax, the communities that had been depending on the revenues from the inventory tax, there was an agreement that they would be reimbursed fully in 1977 for that loss of revenue, and that is the only way the votes were gotten to repeal that inventory tax. That was written into law. So with that written into the law and an increase on the corporate tax of 3 percent, which at that time was believed that that would bring in enough income to pay for the repeal of both of these taxes, those two repeals went into effect.

What has happened since 1973 is that the 3 percent increase on the corporate tax has raised about \$27 million, and that includes the 4 percent of natural growth at which the tax was originally, the natural growth of income we would have received if it had remained at 4 percent.

The sales tax exemption on new machinery has cost the state about \$25 million to \$27 million, so that has been about a washout; \$27 million has been raised in the corporate tax and about \$27 million has been lost from the sales tax on new machinery, primarily from the expansion of all the paper mills.

That leaves \$14.3 million that the corporate tax increase has not began to address, so for

that reason, I tried to design a tax primarily on business and a tax that is fair, is shared by everybody, it is based on income and I believe that is appropriate and proper.

The legislature has made a commitment to the communities. It would be easy to sell this down the river, but I think sometimes we have got to have principles up here and not constantly rationalizing because we don't have the dollars.

I just pointed out to you about an hour ago of another case where the communities were being penalized because of the lack of dollars, and those were all the communities who happen to be above average. So I think it is important that this legislature keep that commitment at least for one year and that the business community should support it. Representatives of corporations tell me privately that they would be willing to go along with one percent. There was no opposition to speak of to this business franchise tax the other day. As I say, I have talked to many people and many different businesses, and it certainly is not punitive, it's 10 bucks and that is all.

As for the 5 percent tax on cigarettes, I am a smoker and my husband is a smoker, it is a hazard to our health, we should be pulling them off the market. For health reasons if nothing else, I think we ought to be taxing cigarettes a great deal more than we are taxing them today, because maybe if they got so high people couldn't afford it, we would stop, and the state could help people quit because they don't have the willpower to do it on their own.

I will sit down and listen to objections and try to answer any questions as they happen to come up, but I hope you will support this measure.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think we are in the following position. The only thing we have left is Mrs. Najarian's amendment. If that fails, we have the bill. The bill is another uniform property tax repealer. So, if we all pass Mrs. Najarian's amendment, then we will be sending something down to the other end. If we pass in fact the bill, which we know is not going to be acceptable. While we can sit and each take a couple of minutes to talk about every little item in this, fix a nut here and a bolt there, I would think the better part of wisdom would be to say we have done a good day's work. We have a reasonable level of education funding, we have a reasonable proposal and full reimbursement on our commitment to the inventory tax. I think we ought to pass this amendment, and send it down to the other end of the hall and let them work on the nuts and bolts a little while.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I realize that it is late but I think I have to make it clear, since I did sit through those hearings yesterday afternoon, that when we are talking about a business activity tax or a business franchise tax, whatever title we want to give it, we are not talking only about a tax that is going to be levied on the corner grocery store. If I owned a grocery store and I faced the business of having a business inventory tax put back on or paying a franchise tax, great, I would pay it. What we are talking about, however, this is a tax on every self-employed individual in this state, everyone who is self-employed, and you ought to know that.

Of course the people at the hearing were not opposed to the business activity tax or the franchise tax, you know why? Scott Paper Company was there, AIM was there, URCON was there, and all the big corporations were there who wouldn't have to pay this. There was very little publicity over the week on exactly what it meant. I ask any of you to go home and tell your people, we are going to raise something through a business franchise tax, how do you feel about

that? Most of them will say, I don't know, I guess it's all right; it doesn't mean anything to me. However, if he happens to be a clam digger it means something to him, if he happens to be a farmer it means something to him.

This is a tax on every self-employed individual, and if they make \$10,000, they have to pay \$100. I don't know about you, but I find it very difficult to go home and tell every one of the fishermen that I represent that they are going to have to pay \$100, or if they happen to have a good year, well, I don't think any of them are going to make the \$200 level, but they will have to pay \$100 to pay back the City of Portland for a tax break that Porteous-Mitchell got, or I should go back and tell them, you have to pay this money because there wasn't enough to fund this business inventory reimbursement because Scott Paper got a \$5 million tax break. You know, altogether all you folks all over the state are going to pay for that. I can't accept that and I think that is exactly what the business activity tax is and you ought to know it.

I don't think we have a good bill and it is certainly not anything I want to put my name on. I would request a roll call.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I disagree with Representative Post that this proposal wasn't adequately advertised. It was in every newspaper in the state, I have letters from all over the state; it was on the radio and it has been on television and if they were not aware of it, then they don't read or don't watch television or don't listen to the radio, because it certainly has gotten wide publicity all over the State of Maine.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I, too, attended the hearing yesterday and picked up some information. I think the public, of course, is at a disadvantage in that they are not here to speak so someone has to speak for them.

Some of the figures that are mentioned by Mrs. Najarian are quite accurate and I think some of them are perhaps a little misleading. She did indicate about \$27 million was raised through the increase in the corporate income taxes. According to the business community, it is something in excess of \$30 million that was actually raised through the increase in the corporate income tax.

Also, she indicated that there was a \$25 million to \$27 million loss because of the sales tax exemption on new machinery, but there is another side to that also, that that loss was not truly a loss, that \$25 to \$27 million was a tax that was not collected, true, but also we would not have had necessarily the new machinery if we had the inventory tax or the sales tax on new machinery in place; that was provided as an inducement. In fact, a number of industries did come into Maine and some existing industries did expand in Maine because the sales tax exemption on new machinery was granted. So, to say that there was a loss of \$25 million to \$27 million is, I think, a bit misleading.

The business community as a whole feels that they have already funded and paid more than adequate money to reimburse the communities for the loss in the inventory tax. They maintain that they have paid over \$30 million and they are asking us as legislators, what have we done with that \$30 million? That is a pretty good question and it is a difficult one to answer, but they maintain that they have paid that \$30 million.

Relative to the hearings that we held yesterday, the Tax Committee did hold hearings. It was pretty well attended, there was no overwhelming crowd there but it was fairly well attended, but the overwhelming testimony was against the so-called privilege tax. True,

there were no small businessmen there to object to that provision that has been included in this bill as such, but far as testimony goes, the testimony was overwhelmingly against that bill as a whole.

I would like to point out further that the Committee on Taxation has yet to meet to discuss this particular bill and certainly hasn't reported out the bill, so I would like to ask the members of the House, as I have on previous occasions, what is the purpose of conducting hearings? We held the hearing and the committee has not met on the bill, the committee has not reported out on the bill, and here we are incorporating provisions of the bill in this particular amendment. I would think that any of the public coming to these hearings might feel that they are wasting their time in presenting themselves at these hearings.

Mrs. Najarian was granted permission to speak a third time.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: The reason this is in this bill is simply a matter of time. The gentleman from Wells, Mr. Mackel, knows that there wasn't time for them to meet on the bill which had its hearing yesterday.

I went to the hearing. Many of the objections that were addressed at the hearing yesterday, their time was not wasted. It has been amended to meet those objections and I will tell you who was there mostly speaking against the corporate progressive tax structure, and most of them got up and said, it wasn't feasible or applicable to corporations and that is what they objected to, plus there was a pretty hefty tax increase on the corporations. We have taken out that progressive tax structure, we have only added one percent at over \$100,000, that is the only difference. I think the objections that were raised at that committee hearing have been addressed in this bill and their time certainly was not wasted.

The figures I gave you on the sales tax exemption and what the corporate taxes raise has come from the Bureau of Taxation. We don't always like what they say but that is what we have to go by, those are bare estimates. We may disagree with them, that is true, but that is where it is at. If you get into that kind of iffy stuff, if it hadn't been removed then we might not have had this. That is just like the little dog that stopped so — you know, this could go on forever. I just think we have to go by the figures given us by the Taxation Department.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House; I hesitate to get up here, but to go along with what I said previously, under the meanings of business organization, it means that an individual, a firm, a bank, a financial institution, partnership, limited partnership, copartnership, proprietorship, farm proprietorship, joint ventures, associations; then it goes on to say, corporation, receiver of state trust and any other group or combination acting as a unit. Now, if you delete the word corporation, you are going back at the same people that we just got. Those are the people that paid the last tax increase that we presented. If you read this bill, you are going back to the very same people. They are the people that are making the money, they are the people that are over that magic figure of the \$15,000, so you are going right back again to these people and making them pay out more.

I see that there is a double sales tax, if I understand it correctly, on banking institutions and savings and loans. My good friend shakes her head no, but it says here: on savings and loan, on a banking corporation, taxes imposed for each calendar year or fiscal year ending during that calendar year upon the franchise or privilege of doing business in this state, it would be five percent of the taxable income over

\$25,000 or 7 percent of the taxable income over \$25,000 but less than \$100,000, plus 8 percent of the taxable income over \$100,000. That sounds like an increase to me. If it is, then that means we will hit them twice. We will hit them under the franchise and we will also hit them under the business tax.

I would move indefinite postponement of this amendment and request a roll call.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am a small businessman, I own a small Mom and Pop grocery store. I wasn't asked about my feelings on this and I don't think there were too many people in my area that were. I will say this. I would like to present flowers and onions, flowers to the fact that it addresses everybody in this bill, not just the grocery store with an inventory, but it addresses the lawyers, doctors, anybody who is in business in Maine. I think that that is great. It is time everybody paid a fair share.

However, we in the business community, and I class myself as a businessman, are continually looking for new business to come to the State of Maine, and I find it difficult to ask or to send letters to businesses, being that I was in the Chamber of Commerce I did that also, and ask them to use Maine as their home base when I have to consider the increased costs of transportation for them to get their goods here and ship their goods back out after they are manufactured, the increased cost of electricity, increased cost of repairs to their facilities, and I will be very frank with you, in the months of December, January, and February, my small business lost \$3,000 due to these same things: I don't think it is fair to ask the business community to come up with more money, put them further in the hole, through the use of a business tax. I think this is the right idea in a sense, but I believe it needs to be rehabed a little bit. Possibly the privilege tax is a little high on the low end of it for some of your smaller business people.

I just wanted to get my remarks on record because there are a lot of business people in Maine and we would like to have a lot more. The businesses are the backbone of Maine and we can't get businesses in here if we tax them out of business before they even get here.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: Representative Post answered one of my concerns about this. I live in an area where there is very little industry and we have to make our own living. We do it by clamming, worming, woods workers, blueberry rakers, etc., they are all self-employed, and if this is so, I cannot go with it because 90 percent of the people down through my area are self-employed.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Members of the House: I would like to address this amendment from a slightly different tangent, one perhaps that could be classed more as administrative than as factual on the pros or the cons of the bill itself.

It seems to me, first of all, that this amendment offers us a chance to clarify a relatively muddled circumstance. If you will accept, for just a moment, my premise that it is almost inevitable that some kind of tax is going to have to be imposed in order that the cities and towns may receive some reimbursement for their lost inventory tax and in order that some programs which have need can be guaranteed a small, minimum amount of money. I think it is inevitable that we almost realize that there are not enough votes in this House to pass an education bill unless we buy off some of the other needs.

I think the vote just taken on the distinguished

Representative from Lewiston on his proposal, I think that that was a fairly clear illustration that the House accepts the inevitable that some kind of tax will be done. All right. If you accept this, while I personally have some reservations on many of the specific proposals within this amendment, one of those which Mr. Connors just mentioned, for example, and one of those mentioned by Mr. McKean, while I have those reservations, I, personally, am willing to accept in general principle what the bill is trying to do. I think it is a fairly fair clear-cut shot that whether we pass it today in Second Reader and it goes to the other body, it will come back in non-con and is eligible for change. So the problem of addressing or cleaning up the bill to individual satisfactions, it is no problem, it can be done.

It seems to me that this vote on this question today represents a reasonably valid poll as to the feelings of the House, and speaking as a member of leadership, this has been one of my greatest problems in the last two weeks, how to find out how people feel. We have had questionnaires, we have had meetings, I have personally polled people, and we still can make only several generalizations and we are not entirely sure that those are so, and I suggest that we will not know, we will not be sure until we see the green lights and the red lights come up on these various proposals as we proceed down the track toward an inevitable decision of some type.

I think this technically offers a perfectly legitimate vehicle and I, myself, am willing to be interpreted when you see my light go up and when I vote against the indefinite postponement. When I vote, in effect, for the amendment, what I am saying is, I am willing to raise some taxes and the purpose of those taxes shall be for the reimbursement of inventory tax and for some of the other programs that we consider necessary, and I am willing to do that and at the same time, in general association with my voting for the educational funding level.

I think it is a perfectly reasonable proposal, I think it is one we all can accept today and give a try. Remember, we will need 101 votes to pass what we need finally, so by voting yes today and helping clarify this muddled circumstance, you are by no means putting yourself on permanent record or setting yourself in concrete.

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: There is one other point that wasn't answered that my good friend from Augusta, Mr. Bustin, made, that if this amendment was killed we would still have a repealer of the uniform property tax, and I simply want to tell the House that I will very happily move indefinite postponement of that once we take care of the amendment.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Brewer, Mr. Norris, for his information and I would point out that if this amendment were to go down, the amendment for 11½ mills on Mr. Jalbert's amendment has finally been prepared and hopefully has been distributed, and if this amendment does go down the drain, obviously there will be a move to reconsider whereby we defeated Mr. Jalbert's amendment and then if that is successful, I would then offer the amendment on that particular package.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the

gentleman from Brewer, Mr. Norris, that House Amendment "C" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bennett, Berry, Berube, Biron, Birt, Blodgett, Brown, K. L.; Brown, K. C.; Burns, Byers, Carey, Carroll, Carter, D.; Carter, F.; Churchill, Clark, Connors, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Drinkwater, Durgin, Elias, Fowlie, Garsoe, Gauthier, Gill, Goodwin, H.; Gould, Gray, Greenlaw, Higgins, Hobbs, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McKean, McMahan, McPherson, Mills, Moody, Nadeau, Nelson, N.; Norris, Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Post, Raymond, Rideout, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twichell, Tyndale, Valentine, Whittemore, Wilfong, Wood, The Speaker.

NAY — Bachrach, Bagley, Beaulieu, Benoit, Boudreau, A.; Brennerman, Bustin, Chonko, Connolly, Dow, Dutremble, Fenlason, Flanagan, Gillis, Goodwin, K.; Hall, Henderson, Hickey, Howe, Hughes, Jensen, Joyce, Kany, Laffin, Locke, Martin, A.; McHenry, Mitchell, Morton, Najarian, Nelson, M.; Peltier, Prescott, Quinn, Talbot, Wyman.

ABSENT — Boudreau, P.; Bunker, Carrier, Dudley, Green, Lougee, Rollins.

Yes, 108; No, 36; Absent, 7.

The SPEAKER: One hundred eight having voted in the affirmative and thirty-six in the negative, with seven being absent, the motion does prevail.

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby we defeated House Amendment "B" and would speak briefly to my motion.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves that the House reconsider its action whereby House Amendment "B" was indefinitely postponed.

The gentleman may proceed.

Mr. HOBBS: Mr. Speaker and Members of the House: On the previous vote on House Amendment "B" I voted against the good gentleman from Lewiston, Mr. Jalbert's amendment, and I did so for many reasons. I guess I stand before you as an idealist and one who feels that the legislature should make a total commitment that we made in 1973 regarding the inventory tax in reimbursement to local communities. I guess I am an idealist when I feel that we should have an adequate mill rate in order that the local property tax will not be increased. I guess I am an idealist when I feel that we should also have a total educational fund limit which will not substantially increase our local property tax and which will meet the needs of our local citizens in their educational systems.

I rise to reconsider because I hope by doing so the good gentleman from Waterville, Mr. Carey, can then present an amendment which would, in effect, lower the mill rate from 11.75 to 11½ mills, which would be agreeable to me.

We have debated this issue now for four hours, and I think that this is the only vehicle we have left today that hopefully we can help solve the problems and dilemma that we are in now.

When the vote is taken, I request a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those

in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Saco, Mr. Hobbins, that the House reconsider our action whereby House Amendment "B" was indefinitely postponed. Those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bustin, Byers, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Gould, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Peltier, Peterson, Plourde, Raymond, Rideout, Shute, Smith, Spencer, Stover, Strout, Stubbs, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twichell, Tyndale, Whittemore, Wilfong, Wood, The Speaker.

NAY — Ault, Benoit, Birt, Blodgett, Brennerman, Burns, Carter, F.; Connors, Connolly, Dow, Fowlie, Goodwin, K.; Gray, Higgins, Hunter, Hutchings, Kane, Laffin, Mackel, Marshall, Najarian, Palmer, Perkins, Post, Prescott, Quinn, Silsby, Sprowl, Tarbell, Teague, Wyman.

ABSENT — Bunker, Carrier, Dudley, Green, Lougee, Rollins, Valentine.

Yes, 113; No, 31; Absent, 7.

The SPEAKER: One hundred and thirteen having voted in the affirmative and thirty one in the negative, with seven being absent, the motion does prevail.

Mr. Carey of Waterville offered House Amendment "A" to House Amendment "B" and moved its adoption.

House Amendment "A" to House Amendment "B" (H-150) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply does exactly what I have been trying to get done racing through the halls earlier during the day. It would lower the mill rate to 11½ mills. It would take \$2.9 million off the burden of the local property tax, which is already some \$16 million higher at a funding level of 11½ mills in the other bill, and it would transfer that burden to the state out of the General Fund. I would certainly hope that you would adopt this measure having heard all of the other alternatives that have been presented to you.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I am not going to oppose the adoption of the amendment because 11½, as I have said before, is as high as I can go. I will still be opposed to the bill as it is after it is amended. I guess I am only voting for this to protect myself on 11½. Maybe somebody can correct me if I am wrong, but I think what we are going to have now is \$1.6 million left for every other thing we have to do, the University, Part II, LD's, vocational ed, state employees. I would like to point out that the tax relief for the elderly and the free drugs are \$1.8 million

alone, and we are going to have \$1.6. You think we are going to get out of here without a tax increase? I think you are sadly mistaken.

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

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote against this amendment for the very reasons outlined by the gentlewoman from Bath, at least \$1.7 million I figure for everything else, and that is totally inadequate.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: A couple of more figures. Of the \$10 million which is going to go to business inventory reimbursement, about \$6.4 million of that will go to only 17 communities in this state. You ought to remember that when you are talking about \$1.6 million left for everything else we want to fund.

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. Those in favor will vote yes; those opposed will vote no.

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, if we pass this measure, we are not committed to a major tax increase. For those of you who do not want a major tax increase, I hope you will vote with this. That does not mean to say that on the other programs if the majority or 101 members of this House want to go for a major tax increase later that there is anything to prevent them from doing that, but at least this will take care of these two top priorities, in my opinion, most important matters this afternoon and without this House committing itself to a major tax increase.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like very briefly to correct statements that have been made. I seem to get myself involved with the good ladies today, but we have available for programs \$4,674,259 the first year; \$7,104,049 the second year. Consequently, if this is lowered, it would not leave us \$1.6 million for the biennium, but it will leave us about \$8,670,000 or \$8.7 million for the biennium.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Members of the House: I just want to get the record straight regarding my position on this issue. First of all, in the past five years, I have voted consistently for just and proven increases in funding for such programs as aid to the elderly, for such things as the University of Maine, for such things as state employees' pay raises. I also voted for a \$18.5 million income tax increase last session in order to help alleviate property tax burden and the deficit we have.

The reason why I am voting for this today is not because I don't feel realistically that we are not going to have a type of tax increase, because I for one will vote for tax increase if it can be proven to me that these programs which I have just mentioned can be justly proven that they do need an increase. Many of you here, I suppose, think that is political suicide, but that is my position on this bill and I hope we do today enact this legislation.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I will stick by what I said before. If we have \$4.6 million — I am just talking about the first year of the biennium right now and I think that is all we are really talking about at the moment for school funding; it has \$4.6 million and you take away \$3 million, you have \$1.6, and for one year, as I said before, tax relief for the elderly and free drugs alone is \$1.8; Vocational Ed is \$1.3, and Lord knows what the rest of it is. If you have \$7 million and you take away \$3 million, you have \$4 million, that is the second year of the biennium. I think we were in a mess already in the first year of the biennium; I don't even want to think about the second year right now. We have between \$1.6 million and \$1.7 million dollars left to do everything that every one of you in this House wants to do and we can't do it.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the comments that the gentlewoman from Bath has made and I would certainly hope that the Bureau of Taxation might inform her that there is an additional \$400,000 per year available out of the one percent corporate tax, and I would certainly hope that somebody might get to her before the end of this session where there are estimates that there is an additional \$3,330,000 available in some of the higher brackets of the corporate income tax, and particularly, should we decide at the end of the session to put on a corporate tax of 8 percent over \$100,000 when we get into some of those brackets, these figures that have been confirmed to me by the Bureau of Taxation, I have tried to work with them. In answer to the gentlewoman from Owl's Head, Mrs. Post, who said that there are 17 communities who stand to gain tremendously by the reimbursement of business inventory, I have charts here from a study committee and those charts indicate there are well over 30 communities who will stand to gain \$100,000 in reimbursement.

You will recall earlier today when I bared my soul to you, so to speak, and told you that we, in effect, those of us who were recipients of reimbursement, had to suffer some penalty for the fact that we have been gouging somewhat unintentionally those communities that have been forced to pay, including ourselves, an extra half a mill because of the reduction of our valuation when it came to the uniform property tax and the removal of that valuation from our inventory tax.

I find it extremely difficult to go back to the 70 percent that the gentleman from Lewiston has proposed. It is \$2 million more than what the Governor has proposed. It may very well be the only package that we will ever get out as far as the Governor is concerned, and I realize that two thirds to override his veto is much less on many occasions than two thirds of the full membership of the House, but I would implore you to try to move this package along at this point as the best alternative that has been given you today — you have seen all the others — and see what the other body might possibly do with this for awhile and in the meantime we get a little rest, and then devote a little more time to the discussion on the moose bill.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I just must comment on this rigamarole which I guess I would have to call it that this is not going to involve a major tax increase, and I will just give an example of my own community wherein the local school committee caved in, in effect, to the finance committee or the council to knock off \$400,000 from what they felt was a required education budget. In addition to that, the City of Bangor has laid off employees to try to hold our tax

rate, and you are offering, not a loaf, but 70 percent of a loaf in terms of the reimbursement of the inventory tax, which will mean, if we pass this, that even after all that we will have to either cut out an additional \$300,000 from our budget or put \$1.50 more on the local property tax. That is where it is going to go, there is no question about it. It just doesn't seem fair to me that the whole object of this game is to try to reduce the burden on the local property taxpayer. I think in Bangor, at the local level, we have taken a heck of a lot of effort to try to do that under the circumstances that we could control, and this, to the person who has to pay the property tax, is, in fact, a major tax increase.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House, I stated a little earlier that all I have done for days is mess with figures and you know, anyone can make an error, and when I make an error I am going to be the first one to admit it and state so. I was under the impression, and I didn't have the figures with me, that this was a million and a half each year; it is, as the lady from Bath said, \$3 million, and it is exactly \$2.8 million each year, but let's make it \$3 million each year.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the adoption of House Amendment "B" as amended by House Amendment "A" thereto. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Bachrach, Bennett, Benoit, Berry, Berube, Biron, Birt, Boudreau, P.; Brown, K. C.; Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gillis, Goodwin, H.; Gould, Hall, Hickey, Hobbins, Huber, Hughes, Jackson, Jacques, Jalbert, Jensen, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Lunt, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McKean, McMahon, McPherson, Mills, Nadeau, Nelson, M.; Norris, Palmer, Peakes, Pearson, Peltier, Peterson, Plourde, Prescott, Quinn, Raymond, Rollins, Shute, Smith, Sprowl, Stover, Stubbs, Tarr, Theriault, Tierney, Torrey, Truman, Twitchell, Tyndale, Whittemore, Wilfong The Speaker.

NAY — Aloupis, Bagley, Beaulieu, Blodgett, Boudreau, A.; Brennerman, Brown, K. L.; Burns, Byers, Carter, F.; Churchill, Connors, Connolly, Dow, Fowlie, Gill, Goodwin, K.; Gray, Greenlaw, Henderson, Higgins, Howe, Hunter, Hutchings, Immonen, Joyce, Kelleher, Locke, Lynch, Mackel, Marshall, McHenry, Mitchell, Moody, Morton, Najarian, Nelson, N.; Perkins, Post, Rideout, Silsby, Spencer, Strout, Talbot, Tarbell, Teague, Tozier, Trafton, Valentine, Wood, Wyman.

ABSENT — Bunker, Carrier, Dudley, Green, Lougee.

Yes, 95; No, 51; Absent, 5.

The SPEAKER: Ninety-five having voted in the affirmative and fifty-one in the negative, with five being absent, House Amendment "B" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

By unanimous consent, the Rules were suspended so that later this evening the hearings could continue without the Senate members being present.

On motion of Ms. Goodwin of Bath. Adjourned until ten o'clock tomorrow morning.