

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Thursday, April 14, 1977

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

Prayer by the Reverend Father John O'Hara of the Holy Cross Catholic Church, South Portland.

The journal of yesterday was read and approved.

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

Non-Concurrent Matter

Bill "An Act Relating to School Funding and Inventory Tax Reimbursements" (Emergency) (H. P. 1160) (L. D. 1252) on which the Committee of Conference Report was read and accepted and the Bill passed to be engrossed as amended by Conference Committee Amendment "A" (H-161) in the House on April 13.

Came from the Senate with the Committee of Conference Report rejected, with that body further insisting and with a second conference asked.

In the House: The House voted to further insist and join in a second Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Ms. GOODWIN of Bath
Messrs. CAREY of Waterville
HIGGINS of Scarborough

Papers from the Senate

Bill "An Act to Regulate Clear Cutting of Timber" (S. P. 433) (L. D. 1511)

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

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

Bill "An Act to Create an Advisory Board to the Department of Environmental Protection and the State Development Office" (S. P. 434) (L. D. 1512)

Bill "An Act Relating to Bidding Procedures Involving the Bureau of Public Improvements" (S. P. 429) (L. D. 1514)

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

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

Bill "An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment" (S. P. 436) (L. D. 1513)

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

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

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act to Increase the Permissible State Discount for the Sale of Liquor to Special Agency Stores to 15%" (S. P. 239) (L. D. 732)

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Establish Maine Writers Week" (H. P. 826) (L. D. 999) which was passed to be engrossed in the House on April 11, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Quinn of Gorham, tabled pending further consideration and specially assigned for Wednesday, April 20.

Non-Concurrent Matter

Bill "An Act to Limit Access to Security Interest Records Filed in a Municipality" (H. P. 1271) (L. D. 1499) which was referred to the Committee on Judiciary in the House on April 11, 1977.

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

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

Non-Concurrent Matter

Bill "An Act Relating to Corporal Punishment" (H. P. 517) (L. D. 635) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-121) of the Committee on Education was read and accepted and the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-121) in the House on April 12, 1977.

Came from the Senate with the Majority "Ought Not to Pass" report of the Committee on Education read and accepted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch. Mr. LYNCH: Mr. Speaker, I move that we insist and would speak very briefly.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the House insist.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill which the House passed by a rather substantial margin. It has not been accepted by the other body.

I think the legislature, in passing more responsibility on to teachers, ought to give them some authority. I think to defeat this bill is an unjust criticism of the present teachers in the public school system of Maine.

I hope you will support my motion, and if it has to be defeated, let it be defeated on the other end of the hall.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I move we recede and concur.

Mr. Birt of East Millinocket requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mrs. Kany, 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. 57 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Ensure that the Powers and Duties of Fire Chiefs are subject to Municipal Collective Bargaining Agreements" (H. P. 230) (L. D. 293) which was passed to be engrossed as amended by Committee Amendment "A" (H-106) in the House on April 7, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: Mr. Bustin of Augusta moved that the House insist.

On motion of the same gentleman, tabled pending his motion to insist and specially assigned for Wednesday, April 20.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot" (H. P. 479) (L. D. 594) which was passed to be engrossed in the House on April 7, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-71) in non-concurrence.

In the House: On motion of Mr. Quinn of Gorham, tabled pending further consideration and specially assigned for Tuesday, April 19.

Non-Concurrent Matter

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

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-50) and asked for a Committee of Conference in non-concurrence.

In the House: The House voted to insist and join in the Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Remove Restrictions on the Salary of County Commissioners who Hire Full-time County Administrators" (S. P. 154) (L. D. 394) which failed passage to be enacted in the House on April 12, 1977.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

Mr. Nadeau of Sanford moved that the House adhere.

Mr. Burns of Anson moved that the House recede and concur.

Mr. McMahon of Kennebunk requested a roll call vote.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: This bill was brought before our attention the other day. If you want this bill to die, please vote against receding and concurring. If you don't want the county commissioners to keep their regular salaries after they hire county administrators, vote no on the pending motion.

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

Mrs. BACHRACH: Mr. Speaker and Members of the House: I won't take up a lot of time on this bill because we have already discussed it back and forth several times. I would just like to remind the House that the House voted twice to approve of this bill, and I hope you will recede and concur.

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

Mr. DUTREMBLE: Mr. Speaker and Members of the House: I would like for this House to vote against the motion to recede and concur.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: We have debated this bill to death. We voted the other day not to indefinitely postpone it and then turned back to back and failed passage.

It is simply a matter of allowing each delegation to make the determination in their own counties. It is pure and simply, in my opinion, a question of home rule. If you want to allow each delegation to make the determination of what happens in their county, then you would vote to recede and concur.

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 Anson, Mr. Burns, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bagley, Beaulieu, Bennett, Birt, Boudreau, A.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carter, F.; Churchill, Connors, Cote, Cox, Devoe, Dexter, Dow, Drinkwater, Elias, Fenlason, Gill, Gillis, Gray, Greenlaw, Henderson, Hickey, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kane, Kany, LeBlanc, Locke, Lougee, Lunt, Lynch, Mahany, Marshall, Masterton, McBreairty, McKean, Morton, Nelson, M.; Norris, Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Rollins, Silsby, Smith, Spencer, Sprowl, Strout, Tarbell, Tarr, Teague, Theriault, Tierney, Twitchell, Whittemore.

NAY — Aloupis, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, P.; Bustin, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cunningham, Curran, Davies, Diamond, Dudley, Durgin, Dutremble, Flanagan, Fowlie, Garsoe, Gauthier, Goodwin, H.; Gould, Green, Hall, Hobbins, Huber, Jensen, Joyce, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, MacEachern, Mackel, Martin, A.; Masterman, McHenry, McMahon, McPherson, Mills, Mitchell, Nadeau, Najarian, Nelson, N.; Peltier, Post, Prescott, Quinn, Raymond, Rideout, Shute, Stover, Talbot, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman.

ABSENT — Ault, Carey, Goodwin, K.; Higgins, Littlefield, Maxwell, Stubbs.

Yes, 73; No, 70; Absent, 7.

The SPEAKER: Seventy-three having voted in the affirmative and seventy having voted in the negative, with seven being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act Concerning the Rules and Regulations of the Board of Construction Safety Rules and Regulations" (H. P. 434) (L. D. 541) which was indefinitely postponed in the House on April 12, 1977.

Came from the Senate passed to be enacted in non-concurrence.

In the House: The House voted to recede and concur. (Later Reconsidered)

Petitions, Bills and Resolves

Requiring Reference

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

Business Legislation

Bill "An Act to Improve the Marketability of Real Estate" (H. P. 1415) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Relating to Campaign Expense Reports" (H. P. 1416) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act Relating to General Assistance Payments for Home Heating Fuel" (H. P. 1417); (Presented by Mr. Kerry of Old Orchard Beach)

Committee on Health and Institutional Services was suggested.

On motion of Mr. Goodwin of South Berwick, tabled pending reference and later today assigned.

Human Services

Bill "An Act to Prohibit the Use of Offensive Names for Geographic Features and Other

Places Within the State of Maine" (H. P. 1418) (Presented by Mr. Talbot of Portland) (Ordered Printed) Sent up for concurrence.

Judiciary

Bill "An Act to Authorize the Chief Justice to Employ Court Officers" (H. P. 1419) (Presented by Mr. Hughes of Auburn)

Bill "An Act Relating to the Deduction of Additional Days a Month from a Sentence of Imprisonment for those Persons Assigned Duties Outside the Institution" (H. P. 1420) (Presented by Mr. Hughes of Auburn)

Bill "An Act to Specify the Grounds for which a Forcible Entry and Detainer Process may be Brought" (H. P. 1421) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Concerning Dispute Resolution under the Municipal Public Employees Labor Relations Statutes" (H. P. 1422) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Concerning Trap Limits for Lobster Fishing in Hancock County and around Isle au Haut" (H. P. 1423) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Require Reporting of Lobbying of Administrative Action" (H. P. 1424) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Provide for the Issuance of a 30-Day Temporary License Class 2 Motor Vehicles Operator's License to a Holder of a Class 3 License" (H. P. 1425) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1414) recognizing that: Windham High School has won the Math League Contest for the southwestern section of Maine, the Middle School Division.

Presented by Mr. Diamond of Windham.

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

House Reports of Committees

Leave to Withdraw

Mr. Wyman from the Committee on Education on Bill "An Act Relating to the Spending Ceiling for Education Purposes" (Emergency) (H. P. 968) (L. D. 1165) reporting "Leave to Withdraw".

Report was read.

On motion of Mr. Lynch of Livermore Falls, the Bill was recommitted to the Committee on Education and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Wyman from the Committee on Education on Bill "An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes" (H. P. 221) (L. D. 285) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-158)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-158) was read by the Clerk and adopted and the Bill

assigned for second reading the next legislative day.

Consent Calendar

First Day

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

(H. P. 408) (L. D. 502) Bill "An Act to Facilitate Out-of-state Post Graduate Education in Certain Professions" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-159)

On the objection of Mr. Theriault of Rumford, was removed from the Consent Calendar.

On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, April 20.

(H. P. 525) (L. D. 643) Bill "An Act Requiring the Marking and Removal of Ice Fishing Shacks on Frozen Tidal Waters" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-160)

On the objection of Mr. Shute of Stockton Springs, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-160) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative 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. 531) (L. D. 647) Bill "An Act to Enable the City of Portland to Collect its Sewer Assessments over a Period not to Exceed 10 Years"

On the objection of Mr. Connolly of Portland, was removed from the consent calendar.

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

(S. P. 112) (L. D. 271) Bill "An Act Relating to Reconstruction of Certain Railroad Grade Separation Structures on Non-federal Aid-State Aid Highways"

(S. P. 165) (L. D. 441) Bill "An Act Pertaining to Funding the Central Licensing Division of the Department of Business Regulation"

(H. P. 461) (L. D. 566) Bill "An Act to Permit the Taking of Halibut under certain Conditions without a Commercial License"

(H. P. 204) (L. D. 264) Bill "An Act to Transfer Regulations Regarding the Security of Certain Parks, Grounds, Buildings and Appurtenances Maintained by the State from the Department of Finance and Administration to the Department of Public Safety" (C. "A" H-153)

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

Passed to Be Engrossed

Bill "An Act Amending the Great Ponds Alteration Statute" (H. P. 1334) (L. D. 1504)

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

Second Reader

Tabled and Assigned

Bill "An Act to Authorize the Transfer of all Assets and Liabilities of the Patten Water District to the Town of Patten and the Dissolution of the Patten Water District" (H. P. 1333) (L. D. 1503)

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for Tuesday, April 19.)

Passed to Be Enacted

An Act to Clarify the Law as to Fraud by a Guest or Customer in a Hotel, Inn, Boarding House or Eating House (S. P. 255) (L. D. 780) (C. "A" S-46)

An Act Concerning the Number of Jurors Serving on Civil Trial Juries (H. P. 574) (L. D. 698) (S. "A" S-51)

An Act Relating to Description of Recorded Mortgages (H. P. 590) (L. D. 717) (H. "A" H-113)

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

Orders of the Day

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

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

Tabled — April 12, 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 Wednesday, April 20.

The Chair laid before the House the second 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 12, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

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

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

SENATE DIVIDED REPORT — Report "A" (5) "Ought to Pass" as Amended by Committee Amendment "A" (S-53) — Report "B" (5) "Ought Not to Pass" — Report "C" "Ought to Pass" as Amended by Committee Amendment "B" (S-54) — Committee on Legal Affairs on Bill "An Act Relating to Mother's Day, Father's Day, and Sons' and Daughters' Day" (S. P. 202) (L. D. 600)

Tabled — April 13, 1977 by Mr. Cote of Lewiston.

Pending — Acceptance of any Report.

Mr. Cote of Lewiston moved that Report A, "Ought to pass" be accepted.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept Report "C." The Governor has issued a proclamation the last two years citing Father's Day, Mother's Day and a Son's and Daughter's Day. Passage of this act will simply put into statutory form that these days be set aside to recognize the importance of these roles in life.

The Son's and Daughter's Day would fall on Children's Day, a day in June recognized by churches across the nation as a day in which the young people are honored. Let us not forget our young.

Today we voted once again to allow corporal punishment in our schools, we are spending days and days on the funding level and who pays for what kind of programs to educate the young. Sometimes I think we treat the young not as fellow human beings who will lead our state and nation in the future but as mere objects.

Let us accept Report "C" that was accepted

by the other body and to set aside one Sunday a year to honor, to recognize, our sons and daughters, our young people.

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

Mr. COTE: Mr. Speaker and Members of the House: The reason I moved that we accept Report "A" as amended, the amendment takes the sons and daughters out of the bill. The reason for that is, members of the committee figured, some of the members of the committee, that sons and daughters are being honored every day, being honored on Christmas Day, and we are just adding another day and it wouldn't be any better, and I suggested to the committee, and they accepted my suggestion, that we have bachelor's day. I think I should be honored once in awhile. How about grandfathers and grand mothers? They worked hard to see that these sons and daughters and mothers and fathers were born. We can keep on adding to that list many, many other days for that matter.

We felt, in order to keep the list as short as possible, that we should amend the sons and daughters out of there at this time. That is why I urge you to accept Report "A".

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker, Ladies and Gentlemen of the House: This is just a small tribute to the mothers and fathers of Maine, the two people who have done the most for us, and I would like to remind my good friend Mrs. Kany that if it were not for her mother and father, she would not be here today.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I feel I should get up on this bill in that I signed it out "ought not to pass" and explain myself. I am not against mothers, I am not against fathers, I am not against children, I just don't feel that this should be a matter placed into statutes. I think we should give the honor to the Governor of making a proclamation each year and let him have his day in publicity.

In reflection to what Representative Cote from Lewiston, who is going to help you celebrate, Albert, all your children?

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

Mrs. KANY: Mr. Speaker and Members of the House: We have had quite a few citizen requests. I have seen a report entitled: Families at Risk. Have seen reports about children. But here in this House in the last few days, here we are discussing education, and what have we been hearing about — inventories, property tax level. I believe that we should set aside a day to honor our young, and I ask you to reject this motion.

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

Mr. CARRIER: Mr. Speaker and Members of the House: As a member of the committee, I voted for the "B" Report "Ought not to pass." It is just a matter of approach. I think the difference between the "A" and "B" Reports was to set the date of when Father's Day and Mother's Day would be.

As far as the young are concerned, as it was stated here, I think that all of us are taking care of our young ones. I think that we take care of them 24 hours a day whether they are 18 years old or whether they are 25 or 26 or any other age that you might want to mention. I think they have their holiday everyday, and I don't think that we should clutter up the books and actually take away from the people their health, their energy, their abilities and everything else in order to give to society and to give these young children the guidance that they need. I think the fathers and the mothers are the ones who deserve recognition for what they are doing.

When these young ones grow up and they find themselves in the same position and they choose that way of life, to get married and have children, they will be recognized. I hope that their children extend to them the same respect as their parents do to them.

That is the reason I didn't think we should expand on this particular program. I think we have Father's Day and Mother's Day, and I think this is great. If I have to go with anything, I would go with Report "A" if I can't go with Report "B." I urge you to consider very strongly and urge you not to vote for Report "C."

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is truly a mother's bill. I rise today to support the Chairman of Legal Affairs, Representative Cote. We have given much to our mothers, but we will never give enough to our mothers. We should not share her day with the children. I urge you to support Report "A."

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote, that Report "A" be accepted in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

76 having voted in the affirmative and 25 having voted in the negative, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-53) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

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

Bill, "An Act to Regulate the Circulating of Initiative or Referendum Petitions" (H. P. 223) (L. D. 287) — In House, Indefinitely postponed April 6. — In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-59)

Tabled — April 13, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

Mr. Lizotte of Biddeford moved that the House recede and concur.

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

Mr. DAVIES: Mr. Speaker and Members of the House: The House voted very clearly last week on this bill when we voted to indefinitely postpone it. The amendment that has been put on down in the other body has not changed it significantly, it is still a bad bill. The amendment says you can stand outside, outdoors, outside one of the doors, in case your polling place has five or six doors, and then you are in big trouble. Basically, what it is going to do, it is going to move the Standish Church Fellowship food sale out into the snow, it is going to require the people who are opposed to the uniform property tax who want to circulate petitions to stand out in the rain or the snow. It is still the same bill and I hope you will reject this motion, and when we have resolved this one, I will move that we adhere to our previous action.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I think it is important that people who are going to go vote in municipal or state referendums, whatever it may be, they should be able to go there free and unencumbered and not bothered by anybody.

You know, there are some people who are timid. Some people don't want to be bothered with people pressing a piece of paper up to them aying, will you sign this petition? There are some people in my home town who feel going to Mass now because they have to shake hands with people, they are timid. I think they ought to be able to go to the polls without having somebody asking them to sign this paper or that.

I hope you will vote to recede and concur, because this amendment has made it, apparently, acceptable as far as the constitutional questions were concerned that we had in here the other day.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I hate to always be on the opposite side of this bill, but like the gentleman from Orono said, it is a bad piece of legislation.

I agree with what the gentleman from Old Town, Mr. Pearson, has just said, but I think I get highly upset when we as politicians have no problem at all petitioning our government, but we start putting restrictions on the general public in their right to petition their government. That bothers me.

Another thing that bothers me is the fact that we already have in our statutes, under Title 21, that authority. The warden does have that authority that if he feels that somebody is causing a disturbance that is interfering with the voter, he can have them removed. I have asked members of the Election Laws Committee why we don't enforce that. The answer was, they don't have time. If they don't have time, then we should be concentrating on that statute but not restricting the general public from being able to petition their government. You will find that most of the statutes that we have before us now are statutes that were put in by politicians such as you and myself who have run into one problem or another, but the general public should have the right to petition their government and we shouldn't put any kind of restrictions on them.

Let me go back a little further. I am a member of the Election Laws Committee that heard that legislation and only two people spoke in favor of it, as I mentioned before. There was a gentleman from Sanford and a gentleman from Lewiston. Otherwise than that, I haven't heard any clerks from any other towns that have a problem with this piece of legislation.

I hope you vote against the pending motion so that we can insist or follow the gentleman's advice from Orono, Mr. Davies, and adhere.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would concur with the gentleman from Old Town, Mr. Pearson, and urge you to vote to recede and concur for the simple fact that the voting booth is a place for voting and not a place for solicitation.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: Many bills have come before Election Laws this session, and I think the Election Laws Committee has been trying in all the things they have been doing to make it easier for people to vote. We have had bills to restrict registration on election day, we have had all those types of things. The consensus in that committee is, we want to make it easier for people to vote, we want people to come to the polls, we want them to feel comfortable about coming to the polls, and we have evidence, and I have seen it myself on election day, people come to the polls and are confronted with this piece of paper, whether it be those people with the white hats or black hats, that doesn't make any difference, they don't know what they are signing and many times when the person with the petition asks someone to sign it, especially if they know who that person is, they figure, well, I will sign it because I don't want to offend the guy. That is essentially the attitude of a lot of people take.

We are not trying to take people's right to petition away. If you want to collect signatures, you can collect signatures anywhere. I think it was the feeling of the Election Laws Committee

that the polling place is not the place to collect signatures, and we would just hope that you would vote to get those people away from the polling place, and maybe they can be outside, that is fine, but we didn't feel they should be inside asking voters to sign things when voters are in a hurry and when they weren't coming there to find out about any specific issues, simply just to vote.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: Last November in the general elections down in my home town, we set up a table in the hallway and we put petitions on that for repeal of the uniform property tax. Nobody was around, they just voluntarily came along, they read it, they signed it if they wanted to and they went along into the booth and voted in the main part of the building, or when they would come back out they would stop and check and then sign. This bill, if passed, would prohibit a lot of small towns from doing this same thing, so I hope you do not go along with the recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker and Members of the House: Just a short comment. In Windham, we do use this time to collect money for the senior citizens and that money is given to the few senior citizens in our town who have very, very little. This bill prohibits this action and also would not allow these people who have benefited from this kind of contribution at this time and another way might have to be found. It does directly help these elderly people, and we hope you will not take this right away from them.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to rise to oppose the motion to recede and concur. It seems to me that the amendment actually has the effect of making a bad bill worse.

Under the original bill, it prevented people from collecting these signatures within 250 feet of the polls and the current amendment prohibits it within the building but says that it can be done outside of the building.

It also applies to other kinds of solicitations, raising money for the Red Cross or whatever, and as I read the amendment, it would include the kinds of activities that go on in Standish on election day where we have bake sales and stuff in the gymnasium at the school. What this amendment says is that all those activities are permitted within 250 feet of the polls but not within the building, so what you would end up with would be the people with the petitions on the steps of the polling places trying to collect signatures.

What we have done in Standish, whenever there has been anyone who wanted to collect signatures on a petition, is give them a table and let them set up a sign and then anybody going out who is interested in going over and signing the petition is able to do that without any disturbance or interference or any bothering of the people who are coming in to vote. If you required people to be out on the steps as people came in, going up and asking them to sign a petition, I think you would tend to be discouraging people more than if you had it set up in an orderly way inside the building.

The other thing that I would point out is that under the current law, the Women's Auxiliary in Standish is able to set up their bake sale and they do that on a regular basis. If this were to pass and they had to sit outside with all the stuff they had made, they would go through all the trouble of baking the stuff and getting it ready for election day and then if it rained, they wouldn't be able to have the sale. Especially in an election in November, you are creating a

huge amount of uncertainty as to whether they would be able to sell the cookies, the cakes and the pies that they make, because if it is raining or cold, they would all have pneumonia by the time they complete the cookie sale.

It seems to me that the power is there in the existing law for the towns to handle their own procedures in whatever is the best way for that town. We happen to have a very large gymnasium, we only use part of it for the actual line where you go into vote, and there is plenty of room to conduct these other activities and everybody in town likes it. Let us regulate our polling place, and if there is a problem somewhere else, let those towns regulate theirs. For the legislature to pass a law that says that the Women's Auxiliary in Standish has to sell their cookies out in the rain, I think would be a shame.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Spencer of Standish has just told you that this bill might indeed force people to go out on the steps of the doorway going into the polls and that would be more discouraging to a voter than the way it is right now. Well, that is exactly what is happening in the City of Old Town, and I am sure that it is probably happening in other places, that is where they are, out on the steps, by the door as you come in — would you sign this? People are cut from all sorts of different cloth and some of them are timid, and they will probably continue to go into the polls and vote and not come back the next year. Most of those people are voting for me now and I would like to have them come back.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I come from an area very near Mr. Pearson in Old Town, my district is near his, and I agree with him that there are a lot of timid people there, I am timid myself.

I hope we don't do this to these people. I know it discourages voting. I have been around the polls a long time. As a matter of fact, I have been elected to something every year since I was 21 years old and as you know, I had a birthday yesterday and that is quite a while.

I find that country folks, I expect city people are not like that maybe, but an awful lot of us back there in the country are real timid and we don't like to be intimidated around the polls for any other cause other than voting. I do hope that you will go along with the gentleman from Old Town, Mr. Pearson. I believe he is right and I am behind him all the way.

The SPEAKER: The pending motion before the House is on the motion of the gentleman from Biddeford, Mr. Lizotte, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Garsoe of Cumberland 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 Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The right to petition is currently perfectly free — the right to vote is currently perfectly free. If in a minority of our municipalities these two rights come in conflict, there is a remedy for those whose right to vote is being encumbered. We have statutory authority on the part of the wardens, and you have had this explained to you on more than one

occasion, to correct any infringement on the right to vote.

If we have a minority of instances where this occurs, I would just like to ask you to balance this vote against the testimony you have heard here today of other areas where it is conducted in a perfectly agreeable manner. And if we have people who are timid, will we then begin to suggest that the right to petition the government be restricted from the area of churches, from the area of supermarkets? Because I submit that I am in more of a traumatic state when I am in a shopping center than I am in a voting booth. So, I would just like to ask you to consider very carefully what I think is a serious step towards infringing on the right of people to petition this government by taking any action that narrows their options.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I have a question I would like to pose through the Chair to anyone who would like to answer and that is — in at least one of my towns and actually probably several of my towns, the voting takes place within the school. I am wondering, since this affects any interior compartment of the building wherein the voting takes place, is this going to make sure that the third grade isn't holding a food sale that day or that there isn't a raffle going on or, in fact, can you even sell lunch tickets in the building of that school that day?

I would hope that we would oppose the vote to recede and concur and let these kinds of decisions be made on the local level where they probably belong and not have a state law, which really, if it were going to be strictly enforced, could bring all kinds of problems in all different areas of our state.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: There is one other point that hasn't been made that I would like to make on this bill.

The law for the certification of the petitions requires that the registrar of voters in each municipality certify the signatures on each petition and certify that the person is in fact a registered voter and he is a registered voter in that municipality, and if the petitions are circulated at shopping centers, churches and other areas like that, you are going to create a situation where a petition that has 100 people on it from 50 different towns has to be circulated around to 50 or 100 different registrars of voters. What that is going to mean is that each registrar of voters in each town is going to have to go through hundreds of different petitions and find the ones that are from their town and then certify that signature number 21 on petition number 1 is from this town; signature number 23 on petition number 5 is from this town, and you also are apt to get signatures of people who are not registered voters from those towns. You will end up creating a lot more work for the Boards of Voter Registration or the Registrars of Voters, whereas if we can set up an orderly procedure where you don't have those problems, I think it will end up being much less work for the Boards of Voter Registration around the towns.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Standish, Mr. Spencer, currently what is happening now, people who have petitions come before the Board of Registration in Waterville and say, please check the names on number one, seventeen, thirty-two and forty-seven and seventy-four on this particular petition; number twelve, thirty-five, sixty-two and what have you on another petition, and the people, when they circulate at

the shopping centers, have a petition, Fairfield, a petition, Waterville, a petition, Winslow, and they ask the people if they want to sign the petition and if they say yes, they do, then they ask them what town they are from, they dig out the proper petition and it therefore makes it a lot easier for those who practice with the petitions.

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

Mr. WILFONG: Mr. Speaker and Members of the House: I would hope that you would oppose the motion to recede and concur today and defeat this measure once and for all.

I, for one, being from the country, I guess I am not too timid and the town of Stow had two or three different petitioners circulating petitions at the polls this year and we didn't have one bit of trouble. You went in and you voted and then if you wished to go over and sign the petition, it was perfectly fine. We didn't have any problems. If we had, I am sure that they would have asked the people to leave, which is in accordance with the law presently.

I don't think that I should have my rights infringed upon so that I can't either present a petition at the polls or have an opportunity to sign a petition at the polls after I have voted, which is in accordance with the law, if I so desire.

I just think it is a little bit beyond belief that we in Augusta would be legislating something that can be handled locally, can be handled by your local warden who can ask you to leave at any time if you are not conducting yourself in the proper manner. I think this is a bad bill and we should defeat it.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: My affiliation with this bill is a little different than some here in that I have a tendency to agree with Mr. Pearson in that some of the people I have dealt with in this area are on a limited time frame and thus have a limited time frame in which to cast their ballots. With this limited time frame and petition collections, they sometimes find themselves having to sign more petitions or stand in line to sign whatever petition or referendum is there and then using up that time that they have for their lunch hour or whatever, using this before they even get to the ballot box.

I also am in agreement with those who feel that the infringement of rights perhaps may be abridged by our setting up these standards, and perhaps the thought that these lines or these petitions could be set up at the exit rather than the entrance and we would then have the people getting in to commit the act for which they went, which was to cast their ballot, would be done, and if they are on their lunch hour and are expected to be back at work, they can by-pass those or can make a conscious effort to sign the petition if they so desire without the pressures, thus having cast their ballots, which we make every effort to get them to the polling place to do. But I feel if they infringe upon their time to get there and they don't have time enough to do it, then many will be hesitant, as Mr. Pearson said.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I believe the law says presently that you have to collect the signatures after voting. I know that in the town of Stow we required them to collect the signatures after voting. I worked on one petition drive and the wardens in Portland, at the precinct that I worked in, asked me to wait until after the people had voted before I asked them. There is no way that I would be holding up anybody who hadn't voted, I never talked to anybody who hadn't voted. After they came out, I asked them if they would like to sign a petition; if they didn't want to, that was fine, they went along

their way. If they stopped and wanted to talk to me after they had voted, it was fine. That is presently the law. I think it can still be handled as the law currently is.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't disagree, it may be the law; my only disagreement on that fact would be that the law is thus interpreted by many in different manners. This has not been exercised in that manner in my observations.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: When I go to the polls, I don't go to be badgered or harassed by salesmen, whether they are selling food, doilies or what have you. You can't expect the warden to be both inside supervising the voting and outside in the yard chasing away petitioners who are harassing people or whatever. I say, if a person is going to go vote, let him go and vote. If he wants food, let him go to the food store; if he wants doilies, let him go to the dime store or what have you, but let's make it just as easy as possible for a person to vote. Let's not be a part of harassing the voters.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: It is certainly a hard decision to make, but as I look ahead, this year we had one petition and the people are becoming more conscious of the initiative to petition for a referendum and I think that that is their right. I can envision a busy evening at the polls at one of the wards in Brewer with people lined up, particularly as it was in this last election, people trying to register and four or five different groups are circulating petitions. It would be just like attending one of Razor Crossman's auctions. I mean, you wouldn't have a chance to get in or get out and I think that that is the area we are headed in. There are going to be more and more people doing this, and I agree with that part, I think they should, but I think that people, when they go to vote, prefer not to be bothered and without some regulation, this could turn into a real boondogger.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, Men and Women of the House: The debate on this issue is bordering on the ridiculous, and we here in Augusta hear the cry across the state of local control.

There is adequate provision in the current statute to allow local wardens in local municipalities to determine the conditions whereby their citizens cast their privileged vote.

I represent two and two-fifths towns, and in the town of Freeport particularly, citizens come to the polls at the municipal building. The municipal building houses the fire department, which moves out so that we can vote. The town office operates at the same time, or simultaneously, while people are voting. There are two or three closets that hold uncounted numbers of junk items undoubtedly, and the Freeport Fire Department conducts an EMR Rescue demonstration in the ante room as you enter the polling place. The police department is at the same time in the back section and the Freeport Highway Department is also operating in another back section. This is a rather large and commodious building.

It is perfectly acceptable to the citizens in my hometown that the Freeport Music Boosters are selling food for their scholarships and to support the band activities. It is perfectly acceptable that the Freeport Rescue Squad is selling tickets for their scholarship fund and it is perfectly acceptable for my constituents in my hometown that people who seek access with

their petitions be accorded an accommodation in that commodious building. It is ridiculous that we here in Augusta would mandate that all those activities not occur in my home town. Where is local control?

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I might suggest to the gentleman from Brewer, Mr. Norris, that if the petitioners would operate in the same manner that Razor Crossman operates an auction, I will guarantee you, it wouldn't take very long before the sufficient names were acquired.

Listening to the gentlelady from Freeport, Ms. Clark, I think I want to go to Freeport on the next carnival day, because apparently everything goes.

I have attended, incidentally — if you want to see something, you want to go into one of our neighboring states on election day. Believe me, it is unreal. As far as I am concerned, I want no part of that stuff.

The good gentleman from Augusta very well stated, election day is election day, not petition day.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I don't want to debate this issue too much longer, but there are a couple of things that bother me about it, and I rise to speak in opposition to the motion to recede and concur and I wish that motion would be defeated.

It has been stated very well by the good lady from Freeport, Ms. Clark, that the cry throughout the state has been for local control and suddenly here we are in Augusta mandating a law that would require every town and every city in the State of Maine to follow the same procedure.

The City of Auburn has ordinances which can take care of people at the polls if they are not behaving themselves. I think it is an infringement upon the public's rights to petition their government, and I support Ms. Clark from Freeport to vote against the motion to recede and concur.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: I would just like to comment that I think the attempt here was to make the election process orderly. I think from the controversy we have seen here, different situations exist everywhere.

I just find it unfortunate that some towns and cities can't find any other day of the year to have bake sales and to have fun other than election day.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. If you vote to recede and concur, then the public's ability to petition their government on this day will depend on the weather.

Being a fair man from Portland, I would offer you a compromise — vote no.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have been trying to sit here and I guess I can't. The democratic system is not an orderly system. I think we have demonstrated that fully in the last few days. The people should participate in their government to the fullest extent, and it is not an orderly participation very often. If the people will sign petitions and will take part in their government that way, more power to them. I think they should be encouraged.

There are ways to handle this if it gets out of hand and is unruly the way it exists. We don't need to add any more, and this is a very bad bill.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Apparently, from the diverse debate we received this afternoon, it seems as though in some communities in polling places it is necessary for some regulation to maintain good order and peace of mind for the voters to come in and vote. However, the regulation that is proposed under this bill, I believe, is a little too harsh. It really infringes upon the right of those to secure petition signatures. If it is necessary to regulate and maintain order, I would think that there was some middle ground that is less harsh than this one proposed.

When people do come to the polling places to vote, it is the one time, at least in our society, that people are having in mind public affairs confronting their state and the national government. The object of securing petitions for referendums is consistent with that. It relates to the public affairs of our society. It seems to me that they are both compatible. When you go into a polling place to vote on an issue regarding one particular policy and candidates for politics, the referendum procedure is of the same context and the same nature.

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

ROLL CALL

YEA — Austin, Bagley, Bennett, Berube, Biron, Boudreau, A.; Boudreau, P.; Bunker, Bustin, Carey, Carrier, Carroll, Carter, D.; Churchill, Cote, Cox, Curran, Dow, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Gauthier, Gillis, Gould, Gray, Hickey, Howe, Hunter, Immonen, Jacques, Jalbert, Jensen, Joyce, Kelleher, Kerry, Laffin, LeBlanc, Lewis, Littlefield, Lizotte, Lynch, MacEachern, Mahany, Marshall, McBreairty, McHenry, McKean, McMahon, McPherson, Nadeau, Nelson, N.; Norris, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rollins, Silsby, Smith, Sprowl, Strout, Stubbs, Tarr, Teague, Truman, Twitchell, Tyndale, Whitemore.

NAY — Aloupis, Bachrach, Beaulieu, Benoit, Berry, Birt, Blodgett, Brennerman, Brown, K. L.; Brown, K. C.; Burns, Byers, Carter, F.; Chonko, Clark, Connors, Connolly, Cunningham, Davies, Devoe, Dexter, Diamond, Drinkwater, Elias, Fowlie, Garsoe, Gill, Goodwin, H. Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hobbins, Huber, Hughes, Hutchings, Jackson, Kany, Kilcoyne, LaPlante, Locke, Lougee, Lunt, Mackel, Martin, A.; Masterman, Masterton, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Palmer, Peakes, Post, Rideout, Shute, Spencer, Stover, Talbot, Tarbell, Theriault, Tierney, Torrey, Tozier, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Ault, Higgins, Maxwell.

Yes, 74; No, 74; Absent, 3.

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

Thereupon, on motion of Mr. Davies of Orono, the House voted to adhere.

Mr. Lizotte of Biddeford moved that the House reconsider its action whereby it voted to adhere.

Mr. Talbot of Portland requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Lizotte, that the House reconsider its action whereby it voted to adhere. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read a little letter here that I got from the Secretary of State concerning this bill. He says: "During the last election, my officer had numerous calls from local election officials around the state regarding the collection of initiative or referendum signatures at or near the polling places. Most election officials felt that this signature collection was interfering with the voters and constituted a form of unnecessary harassment."

I certainly hope that we will reconsider this motion and go along with the other body and recede and concur. We have taken out the objections that seemed to be bothering this bill, and I certainly hope this afternoon that we go on record as friends of the voters.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Biddeford, Mr. Lizotte, that the House reconsider its action whereby it voted to adhere. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bagley, Bennett, Berry, Berube, Biron, Boudreau, A.; Boudreau, P.; Bunker, Bustin, Carrier, Carroll, Carter, D.; Churchill, Cote, Curran, Dow, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Gauthier, Gillis, Gould, Gray, Hickey, Hunter, Immonen, Jacques, Jalbert, Joyce, Kelleher, Kerry, Laffin, Lewis, Littlefield, Lizotte, Lynch, MacEachern, Mahany, Marshall, Masterton, McBreairty, McHenry, McKean, McMahon, McPherson, Nadeau, Nelson, N.; Norris, Pearson, Peltier, Perkins, Peterson, Prescott, Quinn, Raymond, Rollins, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Truman, Twitchell, Tyndale, Whitemore.

NAY — Aloupis, Bachrach, Beaulieu, Birt, Blodgett, Brennerman, Brown, K. L.; Brown, K. C.; Burns, Byers, Carter, F.; Chonko, Clark, Connors, Connolly, Cox, Cunningham, Davies, Devoe, Dexter, Diamond, Drinkwater, Elias, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Jensen, Kane, Kany, Kilcoyne, LaPlante, LeBlanc, Locke, Lougee, Lunt, Mackel, Martin, A.; Masterman, Mitchell, Moody, Morton, Najarian, Nelson, M.; Palmer, Peakes, Plourde, Post, Rideout, Shute, Spencer, Talbot, Tarbell, Theriault, Tierney, Torrey, Tozier, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Ault, Benoit, Carey, Higgins, Maxwell, Mills.

Yes, 71; No, 73; Absent, 6.

The SPEAKER: Seventy-one having voted in the affirmative and seventy-three in the negative, with six being absent, the motion does not prevail.

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

House Divided Report — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" — Committee on Public Utilities on Bill "An Act Relating to Corporate Expenses in Public

Utilities Commission Hearings" (H. P. 132) (L. D. 166)

Tabled — April 13, 1977 by Mr. Quinn of Gorham.

Pending — Motion of Mr. Kelleher of Bangor to Accept the Minority "Ought to Pass" Report.

Mr. Berry of Buxton requested a vote on the pending motion.

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

A vote of the House was taken.

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

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

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

House Divided Report — Majority (7) "Ought to Pass" — Minority (6) "Ought Not to Pass" — Committee on Public Utilities on Bill "An Act Concerning Municipal Transit Districts" (H. P. 721) (L. D. 973)

Tabled — April 13, 1977 by Mr. Quinn of Gorham.

Pending — Motion of Mr. Kelleher of Bangor to Accept the Majority "Ought to Pass" Report.

Thereupon, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-152) — Committee on Transportation on Bill "An Act to Permit Vehicular Traffic to Turn Right at a Red Light" (H. P. 43) (L. D. 60)

Tabled — April 13, 1977 by Mr. Jensen of Portland.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-152) was read by the Clerk.

Mrs. Beaulieu of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-156) was read by the Clerk.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I can't promise you that I will be brief, but I will try. I have been working and paying attention to the movement of the right turn on red for over two years, so my concern has been long and extensive and I will ask you to have patience with me for today, please.

I ask all of you to note that prior to the hearings on this bill, there was no mention made in the original bill that referred to special consideration on posting no right turn on red in the areas of schools, senior citizen residences, fire stations, special schools, complex signal intersections, etc.

When the hearings were held, I was granted unusual time due to the courtesy of the Transportation Committee and made as strong a case as I could pointing out all the reasons I could come up with against the bill, pleading the case from a pedestrian point of view. I presented to the committee a long list of examples as to why serious consideration ought to be given to the pedestrians' plight.

In my community, for example, we have 95 signaled intersections. There is a police force at

city hall and a traffic engineer who can attest to the fact that I have worked diligently with all of them and spent years accompanying them in doing traffic counts, timing lights, spacing crossing guards, etc. Most of this work, mine and that of many others, was done in the name of pedestrian safety, especially for school children.

Believe me when I say to you that at some of the intersections in my community, we have one intersection where there is a four-way, red flashing light. On one corner there is a one-block complex which consists of a high school and elementary school, one block up a junior high school, two blocks up a parochial high school and three blocks up a parochial elementary school. The entire intersection is smaller than our Speaker's office.

In another area, we have six major arterial streets with the University of Maine with an intersection about as large as Room 105 in the next building where we have hearings, all signals allowing traffic to flow at separate times because it is a multi-phased, multi-timed system.

We have 34 crossing guards in my community, 26 of them spacing two to three hours per day at lighted intersections. Four of those crossing guards in the past two years have been hit by motorists who are turning on a green arrow. All of them have had great difficulty and literally have had to fight with motorists to try to stop them so they could do their jobs to allow children to cross the street. All of them, if they could be here today, would also show you and tell you that many days our elderly plan their trips to the drug store and grocery stores while they are on duty because in many instances that is the only way they have to get across the street, the easiest way they can manage to get across the street.

We are fortunate in my city that we have a traffic engineer who will, because of my work and the work of others, aid and assist and fight, if he has to, with the state to make sure that those intersections, such as the few I have mentioned, will be posted "no right turn on red." I am grateful today to the members of the Transportation Committee to see in their amendment the addition of the concerns that I raised at the meeting. One segment of my request, however, that was made at that hearing was eliminated; namely, the public hearing section which I strongly feel is vital.

I ask you to think about your community for a few minutes. Do you have a traffic engineer in your community who will help you, as mine will in my community, with the state in urging the posting of no right turn on red in some areas? Do you have a school or hospital or crossing guard location, a business, a special school for the blind or deaf, a fire station or just plain citizens, parents who live on a street that has a lighted intersection at their corner and may wish to have a voice in saying that it should be posted "no right turn on red?" Ask yourself why some of your signals are there. Is it possible that they were put there after a tragedy? Shouldn't every person in your community be given the opportunity to go before your elected officials and say, please, do not allow a right turn on red at this intersection and at that one because...? Shouldn't your local officials be able to say to the state, we, on behalf of our citizens and their valid reasons want to post this and that intersection "no right turn on red?"

I have been boldly told, and I may deserve it, that my demand for citizen input through the public hearing process is just my own paranoid concept of not trusting my local officials and the state to do what is best for every community. I submit, ladies and gentlemen, that sometimes that is not unwise, and I feel no shame in saying so.

Do you, all of us here, have you walked through your cities and towns lately and do

your councilors or selectmen walk or do they drive almost everywhere they go? If you do walk, have you noticed that an alarming number of drivers don't give the pedestrian the right of way. Have you noticed that a yellow to too many people simply means, let's get to it before the light turns red? And stop signs mean very little to maybe just a few drivers, but it only takes one, especially when there are no cops around. These factors are very important, and those who walk have to live with them and are very aware of them.

I suspect that if Representatives from the larger communities who have a lot of traffic signals, like Caribou, Presque Isle, Lewiston, Auburn, Bangor, Brewer, Portland, South Portland, Augusta, Biddeford and Saco made it a point to walk every intersection in his or her city for two days, they would wish they had been born with 2,000 pounds of steel wrapped around them for protection against cars and trucks.

I plead with you to remember that the majority of pedestrians are children and our elderly.

The public hearing that I am asking for need not be a special public hearing. It could be done at your town meetings, because this law does not become effective until next May. It could be on your regular council agendas or your regular monthly town meeting process.

The public hearing will also do one more major task in behalf of the citizenry. Everyone who testified for the right turn on red admitted there would have to be a major education program. Education programs in schools are good, but we must reach the adults too.

The public hearing can, for instance, inform the citizens who come that you may only have one light in your town, but if you go to work or to shop in a community with more, you should know what your obligation will be.

Finally, I thank all of you for your patience and kind attention, and I do ask you, in the name of pedestrian safety, to please support the amendment I offer and, Mr. Speaker, I will request a roll call vote if that is in order.

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

Mr. JENSEN: Mr. Speaker, I would like to move indefinite postponement of this amendment and would ask for the yeas and nays.

The SPEAKER: The gentleman from Portland, Mr. Jensen, moves the indefinite postponement of House Amendment "A" to Committee Amendment "A".

The gentleman may proceed.

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: The Transportation Committee has considered this entire issue, right turn on red, for several years running now. The bill was put in by the good gentleman from Kennebunk, Mr. McMahon, two years ago. For a variety of reasons the committee did not see fit to enact it at that point. The good gentleman insisted, came back with it again this year, a number of things had changed, the legislature, at least through the Joint Standing Committee on Transportation saw the wisdom of such an act and it was recommended to the full House and Senate that we did in fact enact a right turn on red bill.

The bill went through several changes, we made an effective date of approximately May 1, 1978. We instituted a series of conditions that both localities and the Department of Transportation would consider in deciding where right turn on red ought to be permitted and where in fact it was hazardous and ought to be prohibited. We came up, with the Department of Transportation agreeing, to finance the cost of these signs, that would be necessary.

What is going to occur is, the State Department of Transportation, in consultation with local officials, is going to look very carefully at each and every red light in the State of Maine.

There are some areas where some intersections are going to have to be signed; perhaps not the entire intersection, perhaps only part of it.

I look at this amendment which has been offered and really question what it is supposed to do and what in fact it actually does. One thing that it does seem to do is have the state mandate what the localities shall do.

Presently, no city or municipal government can erect signs without the Department of Transportation's approval. What you are doing with this amendment, you are dictating to the localities how they shall go about making a decision which will make some suggestion to the Department of Transportation. Perhaps we also ought to add a requirement that the meeting be held on a Friday at 5:15 p.m. in a room of not less than 500 square feet with not more than seven 40-watt light bulbs spaced evenly throughout the room. We might insist that a letter be sent every ninth person in the city to apprise him or her of such a hearing, of such a meeting.

Look at the amendment itself. Does the amendment say that you shall hold the hearings prior to making a decision to sign or not to sign? Does it say you hold a hearing after making a decision? Must a hearing be publicized? How far in advance? Does anyone have to attend? Does anyone from the Department of Transportation have to be there? Does anybody from the municipality have to be there? I suggest there are real problems with this amendment even to do what the good gentlewoman from Portland is apparently seeking to do, but basically I would say the amendment simply is not necessary.

I am not of the feeling that we ought to mandate that cities and towns and localities hold public hearings on things the state is going to do. That doesn't make any sense. Mr. Speaker, I would urge members of the House to vote with me to indefinitely postpone this amendment.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: It amuses me a little bit to hear the gentleman from Portland up here defending the DOT, and I question whether they need a great deal of defending on this particular issue. I doubt if they are very much interested in this one way or another.

I think the gentledady from Portland is only asking for a little citizen input. I think she has made a reasonable amendment here, and I will go along with her.

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

Mrs. BEAULIEU: Mr. Speaker, I would ask for a roll call on the indefinite postponement motion.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: It is not very often that I get up on the floor of the House and support my good friend from Portland. This afternoon I am, however, going to support the indefinite postponement of this amendment.

Basically, I guess, in consultation with the Department of Transportation and the gentleman from Portland who was the sponsor of this L. D. to go along with the L. D. that I had sponsored, basically the same as this to have a right turn on red, I withdrew my bill and in the past two or three weeks we have worked together to try to come up with a compromise that to me makes sense, to have the Department of Transportation consult with the local municipalities without the good lady from Portland having her amendment before us. I don't think it is necessary for us to call a hearing to discuss where we are going to put these signs. I just feel that we were able to come up with a time here that this would go into effect, May 1, 1978, and I question if we get into the hearing process over the next few months if we will be able to meet that deadline.

I guess I would say this afternoon that to not complicate this issue any more, I would have to urge you to support the indefinite postponement of the amendment.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I do think it is appropriate that I do say something. I am kind of caught in the middle on this issue, though, and I hope you understand that with what I say.

I did sponsor the bill two years ago and it was largely due to the gentledady from Portland that the bill was not reported favorably at that time. She raised questions before the committee that the committee at that time considered very carefully. I am pleased with the committee this time, in particular that Mr. Jensen and Mr. Strout, and the other two gentlemen who are cosponsors on the bill have reached a different conclusion.

I won't take any time talking about the bill itself because that really is not the issue; the amendment is what we are talking about. I understand how the gentledady from Portland feels. Having been a municipal official myself, I have no problem at all philosophically with the holding of public hearings. I guess if I was going to take issue with her amendment at all, it would be in two ways. I think the mechanical problem is with the amendment, it is not specific. If she were going to propose the amendment to do this, I would have been happier if she had proposed it a little more specifically as to the time frame for the hearings and who should conduct them and everything else. Having said that, I will note my second reaction, and that is that I think municipal officials within the time frame that has been put in the committee amendment, will be free to hold what the gentledady contemplates anyway, and I hope that they will.

I reluctantly will vote in favor of the indefinite postponement motion, but I do want the gentledady from Portland to know, and the House to know, that certainly philosophically I have no problem with what she is trying to do at all.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I do think the amendment is really such a good idea that if it is the language that is troubling us, I haven't spoken to the gentledady from Portland to ask her if she would like to have it tabled for perhaps one day and we can work on the wording of the amendment, because the idea, I think, is very good.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: I would like to point out to everyone that the wording was done and prepared for me out of Commissioner Mallar's office. However, if it is a matter of concern to some, if you do subscribe to the idea of what I am trying to do to allow people from the public, those who live with these intersections and walk them and know them best, to go to their local officials and the problem is a matter of wording, then I would respectfully ask that someone table it and offer me some guidance in how the amendment should read better. However, the Commissioner's office knew exactly what I was aiming for and they did prepare this for me. The hearing I am referring to is one at the local level.

Whereupon, on motion of Mr. Flanagan of Portland, tabled pending the motion of Mr. Jensen of Portland to indefinitely postpone House Amendment "A" to Committee Amendment "A" and specially assigned for Wednesday, April 20.

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

Bill, "An Act to Revise the Laws Relating to

State Financing of the Expenses of the Superior and Supreme Judicial Courts" (S. P. 424) (L. D. 1412)

Tabled — April 13, 1977 by Mr. Spencer of Standish.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act Relating to Municipal General Assistance Programs" (H. P. 1359)

Tabled — April 13, 1977 by Mr. Goodwin of South Berwick.

Pending — Motion of the same gentleman to Reconsider Reference to Committee on Health and Institutional Services.

Thereupon, the House reconsidered its action whereby the Bill was referred to the Committee on Health and Institutional Services.

On motion of Mr. Goodwin of South Berwick, the Bill was referred to the Committee on Performance Audit, ordered printed and sent up for concurrence.

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

Bill, "An Act to Provide for Legislative Review of Federal Grant Applications by State Agencies" (H. P. 1393)

Tabled — April 13, 1977 by Mr. Curran of South Portland.

Pending — Motion of the same gentleman to Reconsider Reference to Committee on State Government.

Thereupon, the House reconsidered its action whereby the Bill was referred to the Committee on State Government.

On motion of Mr. Curran of South Portland, the Bill was referred to the Committee on Performance Audit, ordered printed and sent up for concurrence.

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

Bill, "An Act Relating to the Powers of Plantations and their Organization" (H. P. 1396)

Tabled — April 13, 1977 by Mr. Curran of South Portland.

Pending — Motion of the same gentleman to Reconsider Reference to Committee on State Government.

Thereupon, the House reconsidered its action whereby the Bill was referred to the Committee on State Government.

On motion of Mr. Curran of South Portland, the Bill was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

On motion of Mr. Talbot of Portland, the House reconsidered its action of yesterday whereby Bill "An Act to Prohibit the Practice of a Mandatory Retirement Age," House Paper 1310, was referred to the Committee on Veterans and Retirement.

On motion of the same gentleman, the Bill was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

On motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action of earlier in the day whereby it voted to recede and concur on Bill "An Act Concerning the Rules and Regulations of the Board of Construction Safety Rules and Regulations," House Paper 434, L.D. 541.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: If anyone is interested, this is the bill I referred to the other day. The question has already been taken care of in the Errors and Inconsistency bill and this piece of legislation is unnecessary, to say the least, so I hope you vote no on recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion to recede and concur. All those in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

2 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the House voted to adhere.

The Chair laid before the House the following matter:

Bill "An Act Relating to General Assistance Payments for Home Heating Fuel" (H. P. 1417) which was tabled earlier in the day and later today assigned pending reference.

Thereupon, the Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

(Off Record Remarks)

The following paper from the Senate appearing on Supplement No. 2 was taken up out of order by unanimous consent:

The following Communication:

THE SENATE OF MAINE AUGUSTA

April 14, 1977

The Honorable Edwin Pert
Clerk of the House
House of Representatives
Augusta, Maine 04333

Dear Mr. Pert:

The President appointed the following conferees to the Second Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to School Funding and Inventory Tax Reimbursement" (H. P. 1160) (L. D. 1252).

Senators:

MORRELL of Cumberland
COLLINS of Aroostook
CARPENTER of Aroostook

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the House adjourns, it adjourns to ten o'clock in the morning on Tuesday, April 19; and when the Senate adjourns, it adjourns to eleven o'clock in the morning on Tuesday, April 19. (S. P. 455)

Came from the Senate, read and passed.

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

By unanimous consent, all matters requiring Senate concurrence were ordered sent forthwith.

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

After Recess

4:45 p.m.

The House was called to order by the Speaker.

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

Committee of Conference Report

Report of the Second Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Relating to School Funding and Inventory Tax

Reimbursement" (Emergency) (H. P. 1160) (L. D. 1252) have had the same under consideration and ask leave to report:

that the Senate recede from its action whereby the Bill was Passed to be Engrossed as amended; recede from adoption of House Amendment "B" (H-138), as amended by House Amendment "A" (H-150) and Senate Amendments "A" (S-63) and "D" (S-64) thereto; recede from adoption of House Amendment "A" to House Amendment "B" and indefinitely postpone same; recede from adoption of Senate Amendment "A" to House Amendment "B" and indefinitely postpone same; recede from adoption of Senate Amendment "D" to House Amendment "B" and indefinitely postpone same; indefinitely postpone House Amendment "B"; adopt Conference Committee Amendment "B" (S-75) submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "B"; that the House recede from its action whereby the Bill was Passed to be Engrossed as amended; recede from adoption of House Amendment "B" (H-138), as amended by House Amendment "A" (H-150) thereto; recede from adoption of House Amendment "A" to House Amendment "B" and indefinitely postpone same; indefinitely postpone House Amendment "B"; adopt Conference Committee Amendment "B" (S-75) submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "B", in concurrence.

Signed:

Messrs. MORRELL of Cumberland
COLLINS of Aroostook
CARPENTER of Aroostook

— of the Senate.

Ms. GOODWIN of Bath

Messrs. CAREY of Waterville

HIGGINS of Scarborough

— of the House.

Came from the Senate with the Second Committee of Conference Report read and accepted and the Bill passed to be engrossed as amended by Committee of Conference Amendment "B" (S-75) in non-concurrence.

In the House:

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

Ms. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Committee of Conference Report and 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. 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 Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I guess we have here the moment of truth relative to this particular issue. We have been addressing it for some time and I know that many people are weary with it, would like to vote and put it behind us but, unfortunately, I don't believe it is quite that easy. It is not something that we can bury. I think it is something that we have got to face up to.

We are all quite familiar with the provisions of this particular committee report, and I do believe that each of us must individually assess the situation as our commitments and our responsibilities direct, and vote on this particular issue.

It has been explained to us, there is left in the General Fund, \$1.7 million, that is real dollars, and \$2.1 Title II funds which are questionable. That gives us a total of \$3.8 million total.

Some programs which will be considered and

are provided for currently in the state budget includes reduction of the corporate income tax by one percent, which amounts to \$4 million. Of course, this \$3.8 above does not take that \$4 million into account. I will grant you that not many people in this House are sympathetic with these corporations that perhaps would just as soon forego the reduction in the corporate income tax and retain the \$4 million, which, by the way, is already figured within the \$1.7 million.

We also have the elimination of sales tax on electricity and gas for domestic use. This amounts to \$3 million and this, too, is within the current state budget. We have within the current state budget the provision for a million dollars for drugs for the elderly. This total, that is the \$4 million for the reduction of a corporate income tax, this \$3 million for the elimination of the sales tax on electricity and gas, and the drugs for the elderly, those three alone add up to \$8 million. If you were to discount the corporate income tax reduction, you still have a requirement for \$4 million, all of which must come out of the \$1.7 million of real dollars and the possible \$2.1 million.

Add to these considerations, the University of Maine, state employees and your own special interest programs, and you have the potential for a major tax increase. What you are doing, I believe, you are not only voting today whether or not to fund education and to reimburse the municipalities for their loss in funds due to the repeal of the inventory tax, I believe, in effect, that you are also voting today for an increase, a very substantial increase in taxes.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I jotted down some things here that I just want to put on the record. In response to my good friend Mr. Mackel, with whom I frequently agree, I don't this time. I submit that if we had adopted yesterday's conference committee report, we would have been adopting the first of a necessary two-step tax increase. At least with this report, which does not at this time call for a tax increase, at least we will have everything out in front of us at the end of this session and if we need to address that issue then, we will know what we are raising taxes for. I submit that our constituents would not be able to understand why we raised taxes twice, so the argument that this is going to necessarily result in a tax increase down the line is perhaps true, but we will have control over that decision at that time.

I think this is an excellent report. I really do, and I commend the people who did it for putting it together. It provides the commissioner's level of funding, and there were many of us who didn't see the wisdom of exceeding that, which yesterday's report suggested. It requires no tax increase at this time. It tries to reimburse the municipalities the maximum amount of money available on the inventory tax reimbursement and most importantly, I think, it also provides for Mr. Jalbert's amendment in the phasing out of that tax, which I think is most important.

I certainly intend to vote for this today and if the question of a tax increase comes up later in this session, I will consider that then. At least I will know at that time what that tax increase will be for and so will the people of this state.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I think the words of the gentleman from Kennebunk, Mr. McMahon, were very well put. I was listening to my friend from Wells, Mr. Mackel, when he was dissertating on figures, and he had me so confused that I decided that I couldn't add. If we are going to confuse just to confuse, let's say so.

The facts are these: this package gives

something to everybody. As far as I am concerned, the \$115 leeway doesn't mean a thing to me but the inventory tax reimbursement does. If we don't believe that we are going to get this counter-cyclical money, then on that basis, we should never believe anymore that we should borrow any money in towns or counties in anticipation of moneys coming in.

This program is a phase-out program of sorts, but it really gives 100 percent reimbursement, 85 percent now and 15 percent from the 75 percent in the next year. I think that that is a very, very good program. I am as much for this program as I was against the one last night.

I attended the caucus of the Senate as a whole and the question was asked, does this commit you to future taxes? The answer to that is, no. What this does is allow the Appropriations Committee to launch their Part I Current Services Budget with no taxes; it allows them to write in a Part II Budget and if the Part II Budget is in excess of the balance left for other programs as is available here, then taxation will have to be put up against it for those who want to on the committee, and when it comes to the floor of the House there is only thing to do with that — vote green or vote red, but that is not an issue right now — that is not the issue.

Unlike last night, this package does not have any tax on it. It allows us to start clean. This is the second Conference Committee Report and, Mr. Speaker, an inquiry to you, am I correct in assuming, at ten minutes to five tonight, if we don't act on this thing now, that by midnight tonight there will be no more conference committees and the mill rate will be 12½, is this a correct assumption? On that basis, I can see nowhere else to go but to buy this program. I commended the committee for their hard work last night but went against them I commend them today for their hard work and I am going with them.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to answer the question that Representative Jalbert posed to the Chair since the Chair didn't answer it, and that is, what happens if we don't do anything at midnight tonight? If we don't do anything by midnight tonight, actually the mill rate will be 12½ and it will be 12½ until we decide to change it. We can change that mill rate anytime up until July 1, and the Attorney General's Office is of the opinion that it is possible if we wanted to change it after July 1 we could change it then. I think it is important for everyone here to understand that the deadline can always be changed, even after the fact, that if we in fact did not come to an agreement here tonight, no one here should vote because if we don't pass this particular passage even now or in final enactment, that will be stuck with 12½ but it will have no school funding bill, because those are simply not the facts.

Representative Jalbert also made the statement that this package gives something to everyone. It isn't exactly quite everyone. I think if you want to take a look at what is happening, we did keep the educational funding level at the same amount, \$290.6. However, in order to give the leeway, give more leeway than what the Commissioner of Education recommended, although I understand that he may be mentioned in testimony that if you were going to put more money in, you could put it into leeway, we cut out from the per pupil expenditure which affects every district in this state. We have cut out a half a million in operating costs. We have cut out \$.2 million in Transportation, which will affect almost every district in this state but particularly the rural areas, and we have done this to benefit those communities who happen to benefit by leeway, not all communities do. We spent all but \$1.7 million of what we actually have available to fund business inventory reimbursement of cities.

I don't think that only the coastal areas were the ones that were left out of this package. I think if you really want to take a good look at it, how we have allocated our resources, all of the rural areas of the state did not get anything out of it.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: As an advocate of the repeal of the uniform property tax, and I have followed Mr. Mackel's light for quite some time, and not being affected by leeway, yet being very affected by the inventory reimbursement, I feel that this package now presented by the second compromise committee is acceptable and I will now vote for its passage.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Bath, Ms. Goodwin, that the House accept the second Conference Committee Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Cote, Cox, Curran, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gill, Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterton, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Smith, Stover, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Whittemore, Wyman, The Speaker.

NAY — Austin, Berry, Birt, Blodgett, Bunker, Byers, Carter, F.; Churchill, Connors, Connolly, Cunningham, Davies, Devoe, Dexter, Fowle, Goodwin, H.; Greenlaw, Hutchings, Littlefield, Mackel, Masterman, Perkins, Post, Silsby, Spencer, Sprowl, Strout, Tarbell, Valentine, Wilfong, Wood.

ABSENT — Ault, Carrier, Dow, Dudley, Gauthier, Jacques, Lizotte, Maxwell, Truman, Twitchell, Tyndale.

Yes, 109; No, 31; Absent, 11.

The SPEAKER: One hundred and nine having voted in the affirmative and thirty-one in the negative with eleven being absent, the motion did prevail.

The House receded from its action whereby the Bill was passed to be engrossed as amended; receded from the adoption of House Amendment "B" as amended by House Amendment "A" thereto; receded from the adoption of House Amendment "A" to House Amendment "B" and indefinitely postponed the same; House Amendment "B" was indefinitely postponed.

Conference Committee Amendment "B" (S-75) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "B" in concurrence.

On motion of Mr. Tierney of Lisbon Falls.
Recessed until seven o'clock this evening.

After Recess

7:30 p.m.

The House was called to order by the Speaker.

The following paper appearing on Supplement

No. 4 was taken up out of order by unanimous consent:

Bill "An Act Relating to School Funding and Inventory Tax Reimbursement" (Emergency) (H. P. 1160) (L. D. 1252) (Committee of Conference Amendment "B" S75)

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

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

Mr. WILFONG: Mr. Speaker and Members of the House: I kind of hate to rise tonight to have anything to say, because it is a foregone conclusion as to what is really going to happen tonight, and we are going to pass the bill. I don't know as I can really say that there is anything all that wrong with it. I have a few reservations, but since I haven't spoken on the school funding bill, I feel I guess I might get my two cents in while I can for this year.

The problem I have with it is sort of two-fold, I guess. The first problem is the system, system in which we have had to go to the school funding trough first without letting other important issues and people come to that same trough at the same time to be there for the division of the pie. State employees are in need of a raise, the university is in need of funds, you need some money for free drugs for the elderly.

As I was reading last night, I stopped and I had a piece of cake with the people who clean chamber every night. They were nice enough to invite me in to have a piece of cake with Representative Spencer, and they said to me, I guess we are going to come last again, aren't we? I guess we are not going to step up there and have an even chance with the budget. I said, yes, I guess that is probably true. I think that is too bad. I think this legislature should be able to adopt a different system, whether it is a Budget Committee or whether it is having the Appropriations Committee work with a ceiling and work with the priorities and having the Taxation Committee work with the tax mix. I just think that perhaps we owe it to those people this time to make sure that we come up with a different system before we leave here so that next year we won't have to go through this and we won't have to have those people wait and be second and third and fourth in line.

The second thing that kind of bothers me is that two or three of my towns are payins to the SAD's. The other towns benefit under this so-called uniform property tax, I suppose, because they get more money back from the state than they put in. But you know, the people in my district, which is far from the coast, up in the mountains over in western Maine, they don't think it is fair, and I am not sure but what I agree with them. I am not sure that I think it is fair for Eddie McAllister, who I grew up with and went to school in Stow with in the one-room school house, who moved two miles down the road into Lovell, which is a pay in into the SAD community, and lives on the same kind of land that I live on in Stow, built his house and I built my house because we couldn't afford to do it any other way, yet, Eddie McAllister lives in a town that happens to have a lake and people from out of state think it is a very pretty lake, and Eddie McAllister's valuation rises even though he doesn't live on the lake or even close to it, because they are foolish enough to pay a lot of money, the people from out of state, to buy that lake property. Eddie McAllister works for about the minimum wage, and I guess I don't understand why Eddie McAllister pays three times what I pay for property tax. It doesn't seem fair to me, it doesn't seem fair to the people in Brownfield who pay about three times less for property tax, and I guess that Eddie McAllister ought to move out of the Town of Lovell, move back to Stow or move down to Brownfield.

My brothers were going to move out of the Town of Stow until they started checking into

the tax systems. My mother raised a lot of ugly kids, but she didn't raise any dumb ones, so they built their houses in Stow.

I guess those are a few of the things that are running through my head. I don't know what we are going to do about our people who earn the minimum wage, who earn five or six thousand dollars a year, live on the coast but don't live near the coast, what are they going to do about those people in 10 or 15 years when the price of a home is \$80,000 and \$85,000? Seven out of ten new houses in the State of Maine are trailers. There is nothing particularly wrong with a trailer, but I think it tells us something. What are we going to do about our people ten years from now? I think we have got to get busy working on that. I know we can't do it tonight, I know we can't do it this session, but I think we ought to start moving in that direction, I think we owe it to the people who live here year-round and try to earn a living here and they just want to own a house, that is part of the American dream.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think probably I have debated for quite a while, and maybe some of the thoughts have gone through my mind as have gone through the gentleman's mind from over in the Denmark area, Representative Wilfong. I think one of my big disappointments in this entire program over the last four years is the fact that at no time has ever a good searching look been made at the different methods that might be developed for funding education.

Much has been said about how much good the present law has done, but any law which would scatter, and I don't use that word exactly loosely, or distribute the amount of money that has been done in the increase in the 33 percent that the state was funding in education in 1973 or 1972 to the 55 percent that was funded last year, from the state level is naturally going to disburse a great deal of money to all of the communities in the state. But then when we have a hearing on several small towns with hardship cases, one of them the Town of Bristol who has to come in as a hardship case and yet pay a major amount of money of their taxes into the state of which they can't get any back, and then come in begging for some additional because of hardship programs I think is something that really requires some searching thought among all of us.

Somewhere, sometime, I think it has just been expressed, there is a need to take a good look at the method of funding. The subsidy law, I think, did do a good job. I think it could do a good job again.

I was talking a short while ago to an old superintendent who said that one of his dreams was to have built a good subsidy law, and he had some personal reservations on this, even though he is living in a community at the present time, that is receiving and working out very well.

Then you pick up a paper and find that the mayor of one of the larger cities said that for five years now, because of the effects of the school subsidy law, the taxes in that particular city have not gone up one dollar, or the rate has not gone up any. Then you find the hardship cases that develop in some of the towns along the coast, it is something for searching and reflection.

A comment was made today, I think it was made honestly, and I have no reflections on the statement that was made outside of the statement in itself which said that there was something done for practically every community in the state except the coastal towns. There is a good deal of searching that I think the legislature should do. Somewhere I would hope that there could be a real look at all the methods of handling school funding so that probably there would be a little fairer equity to all the communities in the state.

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

Mr. BURNS: Mr. Speaker, I would request a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker and Members of the House: I would like to touch on an incident of one of my towns that the previous speaker mentioned. One of my towns has a population of 300. They pay in \$6,000 to the state, and this goes to fund other towns, SAD districts, or whatever you have. This town has no shore property on the ocean, no shore property on any lakes or ponds and there is no industry within this town, yet, they are penalized to the tune of \$6,000 as a pay-in community. If this bill passes, if we go to 11½, we have got to raise another 2 mills if we are going to receive on the leeway and then with the reduction in the transportation, I can see another half a mill here that we are going to have to raise, and this puts us back to approximately 14 mills that we will have to raise in my town to offset what we are going to lose here.

One of my school districts has 21 buses and 1,400 students that they have to transport, and this is really going to cut into the transportation. We have another district almost similar to this, and this bill will cost the communities that are in these two community school districts more money than it has cost them previously.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I can express it as eloquently or as aptly as the previous speakers, but I would like to add my concern to those who have spoken before and say that I represent seven coastal communities, one of which has two one-room schools without adequate plumbing; yet, this community pays in \$38,000. I also represent six other communities which are pay-ins, and each time we come down here, and I haven't been here that long, but there has been those of you here who have agreed with me, we must do something about this educational funding and we must get a handle on educational spending.

I still will live in that hope that we will get this handle on educational funding and spending, because I stand here tonight with the only encouraging thought that I can take to my people, and that is that the Deputy Commissioner of Education will resign in May.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The time is late and we all are aware of what this legislation does. I cannot stand here and say to you that it is all things to all people and everyone is going to go home with everything. I think we all know that is not the case.

I think we should step back a bit and look and see what this piece of legislation does. It funds education at what I call a reasonable level. It is the same dollar level that the Commissioner of Education presented to the legislature.

We have funded our basic operational per pupil grant within one third of one percent of what the commissioner has asked for. We have funded our transportation at one and one half percent of what was asked for. We have increased leeway from \$90 to \$115.

I know some people were concerned this afternoon with the fact that we had cut \$200,000 out of transportation and that it would hurt the rural towns and that there was a possibility that it could be prorated. That is true, but since that time, I have checked with the Department of Education and Cultural Services, and from their budget last year of \$13 million, there was a \$598,000 balance that lapsed. So I would hope that that \$200,000 cut is not going to seriously hamper anyone in this House.

Besides funding education at a reasonable

level, we have removed \$6 million from the property tax. We have funded education, we have cut the uniform property tax from 12 mills to 11½ mills. That is \$6 million that the local property tax owner is not going to have to bear the burden of. We have also removed the possibility of the inventory tax fall back on the local property tax owner. That saves them \$14 million. In addition to that, we have provided a phase-out that the towns can now at least plan for, which they couldn't do up until tonight. Finally, I guess, the last thing we have done, at least for the time being, we have presented a package that has no taxes, and I don't pretend to stand here and say that we may not need them later and I can't tell you that I was extremely happy with the package we came out with last night, but at least it was a package that I felt we could live with if it was absolutely necessary and if the people of the House and the other branch decided that they wanted to live with it. It was obvious that it wasn't, and I think today we have a much better package than we did yesterday, and I am proud to say that I was part of it.

I hope tonight you all will do the best you can and I hope that we can pass this to be enacted with at least 101 votes and maybe more than that.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: We are all saying our final two cents worth, I guess, on this. I didn't, like some, intend to say anything, but after the good gentleman from Scarborough made a couple of statements here, I feel that something should be said.

The statement that we haven't raised taxes, if we go home and tell the people that we haven't raised taxes, we are deceiving, I don't think, anyone. For many people in the state we are raising taxes, and we are raising them a considerable amount. Possibly for some communities we haven't, but for many, many we have. I can speak of four of my five communities where there is a dramatic increase. In one small town of 500 people we have a 15 mill increase in taxes. That is a tax increase. Let's tell the truth. We haven't increased taxes here, but we have raised Cain with the taxes back home. Think about it.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote no tonight and I am going to vote no because I have been here before. I was here in the last session when we got down to the deadline on school financing and we finally decided that we would have a tax increase, and we raised taxes in the legislature and we funded the schools. Then we got to the end of the session last time, and there was no money left, and we had to make a lot of decisions that none of us wanted to make because we had spent the money that we had raised and we couldn't raise any additional money.

The process that we have set up puts us in a position where starting in April we deal with one and tonight two major areas of needs of the state, and because the legislature by its very nature will never face the really difficult choices, the difficult choices between what cuts are going to be made and where or what taxes are going to be increased and where until we have to. We have got 184 people of widely divergent philosophies and we won't face those very, very difficult choices until we have to.

What we are doing tonight, we are facing part of the problem, and because we don't have to face the whole problem, we are dealing with that part, and although it has been a difficult process to arrive at some point that will get the support of enough people to pass this, we really haven't faced the difficult questions. We

haven't faced the questions of whether we are going to make cuts or whether we are going to increase taxes. And by funding the inventory tax reimbursement to the extent that we have and by funding education to the point that we have, we have really made those choices, and we don't know what the final result will be for the other programs, the state employees, the University, we can't say what we are doing there, but the choices are largely made already and they depend on what is going to happen in the other body when we get to the end of the session when there is no money available for the programs and the needs that the people in this House feel need to be met.

I think this process forces us to act irresponsibly when you look at the total needs of the state and you look at the total revenues available, because we end up making choices that we would never make if we looked at the whole budget situation and if we looked at the whole array of needs. We are making the choice by default, and I predict, and I hate to think that it is going to be true, that a yes vote tonight is going to be a no vote on increasing the elderly tax and rent refund allocations, on the needs of the university, on the needs of state employees and a lot of other programs that to me are as meritorious as the ones that we are funding tonight. We do this every year, we know that it doesn't work the way it should and yet we keep going down the same road meeting some of the needs of the state and then getting to the end and saying, but wait, we can't do the things that we need to do. I feel that at some point we have got to recognize that the process is wrong, and as long as this keeps working, we will keep doing it. I, for one, am jumping off the train.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to Mr. Spencer from Standish for some time. The House obviously went into session this afternoon, it gave me an opportunity to attend the funeral this morning of a beloved past mayor of the City of Waterville, Paul Dundas, who I know has best wishes on his journey, wherever he is going, from the members of this House as well as the members of the political family from the City of Waterville.

I did have time to do some work in the mayor's office in the City of Waterville this morning. I looked at our municipal budget, having the morning paper in front of me where the Speaker at that point had said that the Conference Committee Report would not be on the calendar this morning or this afternoon and therefore shutting us off from any possibility of a second Committee of Conference, and because obviously the Speaker does control the calendar, and it is at that point that I reviewed the municipal budget for the city to try to prepare those departments within the city for obviously the impact of revenue lost by the city from the reimbursement of the inventory tax. In my travels through the municipal budget, I found that 31 percent of that budget was made up of those items which are fixed charges, lights, the increased sewer services because of the cleanup on the Kennebec River, increased rates in water and several other areas, but they are fixed charges, the county tax and what have you, and we couldn't touch those things. So I had to try to compose a letter to the department heads of the City of Waterville telling them that the process for reimbursement of the inventory tax, this morning while I was sitting in my office, appeared very dim and that 70 percent of the municipal budget had to absorb the full loss of the \$400,000 that Waterville got.

I would like to carry you through some of those areas which would have been affected in the percentages that affect Waterville and would affect many of the municipalities

throughout the state, I think basically at the same average, because regardless of the size of the city, we basically carry the same averages for police protection, fire protection, public works budgets, operation of general government and what have you.

With total loss of reimbursement, the police department would have had to sustain a cut of 20 percent over last year's budget; the fire department would have had to take a cut of 15 percent from last year's budget; the public works department in my city and most cities, and I am afraid that in the City of Portland, Lewiston and Bangor it would be even larger, 33 percent cut; parks and playgrounds, a cut of 3 percent, and the administrative branch of government would have had to take a cut of 5½ percent. In taking those cuts, I took into account that the very services that we have been discussing here with Ms. Goodwin, Mrs. Najarian, Mr. Spencer, Mr. Goodwin and others; nowhere at any time did I ever figure to take any cuts out of the social services programs in the city or the private school transportation, and I also felt that health and welfare services in our city, and I know that the other cities would feel the same way; are one of those areas which we can truly classify as fixed charges because we probably don't even give them enough as it is now. Those are the areas that would have been cut in my municipality and those are the areas that would have been cut in all of the others.

If we are down to 90 percent, 85 percent, 50 percent, what have you, then those cuts, obviously, are in direct proportions to those figures. Those are the things that this particular Conference Committee Report means to my municipality, and while I pushed as hard as I could and worked for some seven and a half hours on the other Conference Committee Report, I can live with this Conference Committee Report. It is what you might call the perfect bill, because it satisfies absolutely no one.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Ladies and Gentlemen of the House: I certainly did not plan to speak tonight either. After a fairly somber dinner, I just wanted to relate to all of you the feelings that I am experiencing tonight. I want to tell you that as a freshman, who admittedly does not fully understand the problems of the educational funding law nor the uniform property tax, I, for one, have a great sense of sadness that we cannot do what needs to be done for all of our towns and cities. I am going to vote for this bill because it is good for my town, but I do so with deep regret knowing that many of my colleagues are truly disappointed.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to indulge for a few moments while I join in the tirade of tears. Every time that I thought perhaps we did have a compromise that I could say yes to, I took out this letter that I carry with me from a constituent. It is from quite an old person, hand written, and I want to read it to you. It is a letter like this that prevents me from saying, yes, to increased taxes.

"Sir: I am one of those over 65 retirees trying to get by on my Social Security plus a small pension from my former employer. The tax for my property was heisted over 32 percent and it hit me hard! I talked to the selectmen and they offered no advice except to write to persons like yourself. It is my opinion that not only is this increase as dictated by Augusta absolute confiscation without representation but is being used by the town officers to get the citizens to do their fighting for them. Is there any way you" (here I am a Freshman also) "cannot only repeal that L. D. 1994 but also instigate and

push through a law making it required that any new tax proposal have to be approved by the citizens before it can be enacted into law? And follow through on it? Obviously, we can't trust our present Augusta representatives."

I don't want to go onto the end of the letter. I think the point is well taken.

I share the concern of the gentleman from Stow. A few years ago, state employees said, okay, we will forego a raise, we know that you don't have the money so we won't take a raise this time around. Then when it was finally time for them to get their share of the pie, when the pie finally got cut after the big fat feeding at the trough, as referred to by the gentleman from Stow, when that raise finally did come through, there was only enough money to give half of them a raise. Is this fair? Is this fair to individual people?

I would like to point out that one town in my district had a school board meeting last night and they went over the figures, and they have devised a plan whereby they might be able to keep the school open next year if they put 40 students in every class and if they have to pay 11 mills, it will require a \$200,000 pay-in, that is over and above the basic education costs. That is actually an over-payment that this little school is going to have to pay so that the larger towns won't have to cut 5 percent off their administrative costs and their percentages off their various civic services. Yet, after they have sent that \$200,000 to these other towns and cities, that school will still be \$160,000 short of funds necessary to keep the doors open. They have to send it away, they can't use it at home where they need that \$160,000.

In conclusion, I would like to reiterate, some people have mentioned we have cut, we have cut, nothing is farther from the truth. We haven't cut anything. We are spending more dollars. We are asking more dollars, not less, not fewer dollars, we are asking these retirees to dig back into their pockets again for another, what, 30 percent, 26 percent? Thank you for your indulgence.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I thought I had gotten used to voting on the short end of the vote. It has happened a number of times in the past two years and I thought I had gotten used to it, but tonight in thinking about the votes that are going to come out of this vote, and I am convinced that it is going to pass, I feel very upset in a way because it is a different situation than I have ever been in before. I have to go back to my town and I have to tell them that they are second class citizens and not by any action of this body today because it certainly is not a part of this bill, but I have to go back and tell them that we have spent all the money that is available, so close to being all that is available that at very best there are crumbs left. They, like beggars, get to stand out in the street and wait to see which way the crumbs come and maybe they can get some. It is not that their case isn't a good one. I think there are a number of people here who have been talked to by students, faculties, administrators, community people from the university communities, that the university is in bad trouble, a good university that we could be proud of a few years ago is deteriorating and the people who operate it put in time tirelessly are seeing that their talents are going to waste, they are not being paid, it is better for them to get up and get out. This is not going to do them any good. These are very, very depressed periods of time and they need some encouragement and this is not going to encourage them at all. I don't know how I am going to tell them this. It won't take very much to tell them, they are going to understand, it has happened to them before.

We spend all of the money at the beginning

and there is so little at the end that those who are least able to protect themselves are left to fight amongst themselves, natural allies pitted against each other, as the good gentleman from Portland, Mr. Connolly, and I have to fight against each other, AFDC recipients versus university employees, a battle that I don't relish at all.

These are the feelings that I have with me when I take the final results back to my community tonight. I hope you think about this and realize that some day we have to change the process and give everyone a fair chance to present their case and if they are deserving to receive what they need.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Many people have talked about politics being the art of compromise. Yesterday morning, in joint caucus of the two parties of this House, the gentleman from Eagle Lake, Mr. Martin, indicated his concern about the inadequate amount of funding for leeway that he felt this legislature was providing. The gentlewoman from Portland, Mrs. Najarian, talked about the fact that we were not providing sufficient funds for reimbursement of the inventory tax to the communities she represented. Since then, we have had two Committees of Conference attempts to address the solution to these two problems and they have dealt with these issues, despite the fact that there was a third issue involved that concerns the repeal of the uniform property tax. It is my understanding that in the attempt to compromise, that issue perhaps was not even considered or discussed.

It seems rather ironic to me tonight that as we stand here and sit here debating this bill, the vehicle we are using to solve these two issues is a vehicle that the gentleman from Waldoboro, Mr. Blodgett, and myself introduced, a vehicle that we thought we might be able to resolve the question of uniform property tax by marrying it together with the issue of inventory reimbursement. My judgment, and I think the judgment of most people in this legislature, was that inventory reimbursement could not stand on its own, that perhaps it should be tied with school funding and perhaps we would have a possibility to repeal the uniform property tax.

The education bill that we offered and the vehicle that is before us tonight gave each and every community the same amount of education support that the communities will receive in the education bill that is before us, the education bill that the commissioner recommended, not one iota different. I feel very strongly about that.

As a member of the 106th legislature, I was willing to make good on the commitment that we made to the communities throughout this state to reimburse the business inventory tax once that passed the repeal as of April 1st of this year. We had every reason to believe the Chief Executive of the state would include that in his budget. He failed to do so and we were faced with the responsibility of addressing that issue.

During the past three years that we have dealt with the issue of the uniform property tax and the education subsidy law that we presently operate under, the legislative opponents have worked for constructive solutions to the problem of educational financing, not only in the legislature but in 1964 on the Education Subsidy Commission and in 1975 on the Education Finance Commission. I think we have made our fair shares in terms of a contribution to writing a good, sound education law at the same time that we attempted to resolve the issues that gave us some very embarrassing deficits, but every time that we asked for repeal of the uniform property tax, the door was slammed shut in our face.

Uniform Property tax, in my opinion, is an in-

equitable tax because there is precious little equity in our system of state valuation on a comparative basis between the towns. Because this legislature feels that it has to soak the non-resident, Rockefellers, Watsons and others who own plush summer homes on Maine's coastal and waterfront communities, we insist on the continued imposition of this regressive tax; that is right, the regressive property tax which we tried to move away from, all of a sudden become a progressive means of taxation for the non-resident property owners.

Let's not kid ourselves. The uniform property tax does not hurt the Rockefellers, does not hurt the Watsons but it clearly strikes at Maine people who work hard to make \$8,000 to \$10,000 a year. It strikes harder on our senior citizens, who live on a fixed income and, yes, it even strikes harder on Maine children who live in property rich communities instead of the over-collection provision, their parents feel they cannot raise additional moneys for some of the enrichment courses that we would all like to provide for our children. Please remember that the parents of school children in Brooksville, Brooklin and Isle Au Haut and other coastal and waterfront communities in the state, raise funds at town meetings based on what they believe they can raise from their incomes and not from the incomes of non-resident property owners.

I ask you to consider whether the struggle that we have had the past three years over repeal of the uniform property tax is worth the time we spent on it. Is the \$5.2 million worth all this confrontation, confrontation which pits best friends against best friends, coastal Maine against the remainder of Maine? The answer in my mind is clearly no, but we persist.

I can assure you that I get no satisfaction whatsoever from standing here tonight and opposing this measure. I much prefer to make some constructive suggestions but we, at this point, seem to have exhausted those. Because no compromise on the over-collection of the uniform property tax was forthcoming this year as it has, in fact, in the past two years, which has provided me with an opportunity to vote for those measures for the good of the entire State of Maine, much less even talk about the question of repeal, I feel compelled to oppose this measure. Despite the fact the coastal legislators have done their best to represent their constituents, there is no consolation, none whatsoever, in telling our constituents that we did our best.

I really feel as if I must apologize for the attitude of the past two days, but I have been deeply disturbed about the actions of this legislature, disturbed not because we haven't been able to convince you that our views should prevail, but deeply disturbed because during the past two days our views were barely even considered. It seems to me this attitude was one of a rather callous and casual dismissal of our plight.

I feel very honestly that this legislature has betrayed a significant segment of the population of this state. It is a sad and lonely feeling and I hope that I never experience this again as long as I serve in these halls.

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

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: This is the first time that I have spoken to this legislature on this issue. Yes, when we first started, I was one of those who wanted the uniform property tax repealed. There is no doubt, in a just, fair and reasonable mind, that the uniform property tax is an unfair burden on our people in the State of Maine.

The gentleman from Waldoboro, Mr. Blodgett, was correct when he stated that, yes, this proposal before us, L. D. 1252, does create a tax increase, no matter which way you look at

it. But I guess probably what disturbs me more than anything else, when I was campaigning last fall, and also as a selectman and tax assessor, I would go to people's houses, young people's houses, old people's houses, the elderly people come up to you, what am I going to do? People, widows whose husbands have long since been dead, living on fixed incomes, very few relatives to turn to, have worked hard all their lives, and this is what we have left them, no place to turn. It is the people who have lost because of the actions of this legislature.

As a freshman member of this legislature, I am very disturbed on what I have experienced through the past few weeks, but not just our elderly, there are many others. Today the average family is a poor family. There are very few that can afford to hardly survive in today's world, let alone think about a fair and equitable education. Among them there are others, there are state employees, there is the University of Maine, and all so often we think of these as less than ourselves. It is no wonder why our process that we go through here in Augusta so often comes under constant attack. However, I feel lost, I feel no place to turn; therefore, yes, with much deep regret, on this last day before the deadline, I will have to vote for L. D. 1252 with very much regret.

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

Mr. WOOD: Mr. Speaker and Members of the House: I can truly say I have no desire to speak on this but feel that I must. I represent two towns that pay in and two towns that receive, and the two towns that pay in probably it won't mean much in terms of my getting reelected or not reelected, but I came up here and I felt that they deserved the best that I could give them. I was under no myth that we were going to succeed, and I tried to be honest with them and told them that we weren't going to succeed.

But tonight I would just like to share with you one of those town's experiences, not a coastal town, it is the Town of Acton. The Town of Acton school is overcrowded and the parents of that town are very upset with education their children are getting, but they have no control because they have to send into the state \$120,000 to go to other towns. The people in Acton are fair people and I think most of them like the concept of the school funding law, but they don't see any fairness that mandates that they have a school where their children aren't getting a good education but that in Sanford, where I live, the children can get a good education, just because they happen to live in Acton and they happen to have a lake where they live, a lake that supposedly all the out of staters come to and support with taxes. The out of staters might pay taxes, but the people of Acton also pay taxes, and they are hurting.

It is not for that reason that I am voting against this, it is because of the process. I can no longer stand up here and justify actions of this nature. I think enough is enough.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I came here in 1965, just a plain country boy from a plain country town, but I have in my heart the American dream, I call it, and that American dream, ladies and gentlemen, is that the child that lives on the back side of Douglas Mountain, in a low valuation town, will have the equal opportunity that democracy offers in a democratic process.

I firmly believe in equal effort, I believe in the uniform property tax. I worked hard in the 102nd and I worked hard in the 103rd, but no harder than many, many other people have worked, and I claim no glory, I claim no credit. I made the first changes in the Sinclair Act where we invited the lovely community of Acton to join us in a school district, 50 percent

enrollment, 50 percent valuation, the first change in the Sinclair Law. I was told I was going to destroy it.

Ladies and gentlemen, we invited them to join with us, to walk hand in hand with us, to participate with us in School District No. 57. They were invited since then to join us. We want every child, be it from your home town or my home town, we want to say to them, we offer you a good education, an equal opportunity in our society. Go forth, work hard, we have tried to give you the best that we can possibly give you. We know that in order to do this we have had to have a uniform tax effort law that says the wealthy endowed communities, endowed by God to be the coastal communities, and not just the coastal, I live in a community, we have a beautiful lake, it is all nonresident owned now, we don't go fishing there any more. Our valuation jumped 34 percent just recently. My tax bill increased \$600 last year, and I am just a small man, but I can assure you that we can say to our children, we have given you the American dream, and that American dream is, equal opportunity under God to go forth and to achieve an education in the elementary and the secondary schools of your state.

We have told this child, and we hope his parents love him as we love our children and our grandchildren — as you get older you get awful mellow, you know, and we want this American dream to be a dream which we all are proud of and which we all pray and hope will achieve the success that this child will grow up to be a law-abiding citizen, well able to go forth and support his family, to raise his children, to have his grandchildren, which is the All-American dream, peace on earth, good will to all men. But please remember that that little child on the back side of Douglas Mountain, who perhaps lives in a little two-room camp, because of the uniform tax effort, he will be transported on a school bus, 90 percent of the cost paid for by the State of Maine, he will go to a good school, will have a good teacher, will have a nice hot lunch and will have the equal opportunity that the rich, wealthy community has. Just think of it ladies and gentlemen — think of it. Let's not just think about ourselves, think of that child. He is going to grow up, he is going to be a full rounded citizen, capable and able of earning good living. We can say to him if he falls by the wayside, we gave you everything we could to help you, we tried to round you out, we didn't fail you, you are letting us down.

Please, don't say to me, ladies and gentlemen, that is wrong that if you are rich and well endowed by God in a rich community to be asked to share a little something with the boy from a little two-room camp on the back side of one of our mountains.

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

Mr. TARBELL: Mr. Speaker and Members of the House: I, too, along with many others, was hoping that we would be able to chip away piece by piece at this \$290.6 figure. We are able to chip .5, .6, .2; and I was hoping that we might be able to find another .5, .6, .2. This figure represents \$28 million over and above that of last year, and next year will be \$35 million, up around \$325 million over and above that of this year. At some point, the citizens of the State of Maine are not going to be able to continue the increases of \$30 million a year in their education budget.

Even though we all favor education and equal opportunity for education, we know that even our best efforts, as we have devoted here tonight and throughout the course of the last two weeks towards providing equal dollars, equal taxation and equal opportunity, although we strive, we will never reach that ultimate ideal. However, I think that all of us should take pride in the fact that we have been ardent and avid advocates, each and every one of us, for

our own respective towns and communities, districts and constituencies. I don't think there is anything to be ashamed of in this. I think we should come away with a little bit of pride and respect for the legislative process. I think we should have pride and respect for all of the opinions, all of the arden fighting that all of us have done over the last few weeks, especially for the patience and diligence that we have had with one another and especially with the extraordinary patience and tolerance and ability to control and moderate this that we have had in our Speaker over the last few days.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: We are actually dealing with two issues tonight and I am not going to speak on educational finance or the uniform property tax. I would prefer, I guess, to sort of talk about business inventory. I am feeling a little bit guilty because, as many people are aware, I was on the Joint Select Committee on Taxation this summer and one of the issues that I was very concerned with was the business inventory tax and what it had done to the rural areas of our state and yet for some reason, because the two issues were presented together, the whole impression of business inventory tax was really not very well explored, and while now is not a very good time to do it, I just want to make sure that people are aware of exactly what has happened.

When the business inventory tax was repealed, the business community itself made a commitment to pay, so that people across this state, the ordinary working men and women would not have to pick up the burden of those taxes and they increased their corporate income tax, and that corporate income tax increase is bringing in about \$10 million a year.

To repeal the business inventory tax and to give a sales tax exemption on machinery and equipment costs about \$25 million a year; that is about a \$15 million a year difference. What we are doing right now, we are funding that difference, actually the elderly who need the tax and rent refund are paying for that difference, the people who need relief from the sales tax on their electricity and gas will be paying that difference, the rural towns who need town road improvement will be paying that difference, because I have no illusions that any kind of tax increase is going to pass this body later on. Those kinds of programs are simply not going to be funded unless the federal government magically comes through with the recession of Title II or funny money.

Yet, when that business inventory tax was passed, some things happened and it happened after the session and the commitments were made. The City of Portland, for instance, because of some shifts in state valuation, saved about a half a million dollars; a half a million dollars and they are still getting 100 percent reimbursement for what they lost in addition to that. The City of Bangor saved \$300,000 on the uniform property tax shift alone, and yet they are going to get reimbursed 100 percent. The City of South Portland saved \$300,000 on the uniform property tax alone, and they are getting reimbursed 100 percent, and what happened to some of the other areas in the state? The little town of Harpswell, it cost them \$25,000 that they are not going to get reimbursed one cent for; they will get reimbursed for the business inventory that they lost, but they are not going to get reimbursed for that shift. The town of Standish, it cost them \$23,000 and they are not going to get reimbursed for any of that. It cost the town of Windham \$17,000, and they are not going to get reimbursed for any of that. It cost the town of Millinocket \$15,000 more than what they are going to get reimbursed for and the town of Naples \$15,000 and East Millinocket \$14,000 and Rockport \$13,000 and St. George,

\$12,000 and Shapleigh \$11,000. They are not going to get reimbursed for any of that. I think it is important that you know that.

It is not only what we are doing right now, the people in the rural areas of the state are paying for the commitment that we are letting the business community get out of. They made the commitment and they are not paying for it. The rural people across this state are paying for it and the elderly are paying for it, and that is what you are concurring with when you vote for this bill unless you are willing to make a commitment that you are going to vote for a tax increase in June or July. I don't see that happening.

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

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

The SPEAKER: The pending question before the House is passage to be enacted as an emergency measure of L. D. 1252. Those in favor will vote yes; those opposed will vote no. This requires a two-thirds vote of all the members elected to the House.

ROLL CALL

YEA — Alopis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Connolly, Cote, Cox, Curran, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterton, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Smith, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Whittemore, Wyman, The Speaker.

NAY — Austin, Berry, Birt, Blodgett, Bunker, Byers, Churchill, Connors, Cunningham, Davies, Dudley, Fowle, Goodwin, H.; Greenlaw, Hughes, Hutchings, Mackel, Masterman, Moody, Perkins, Post, Silsby, Spencer, Sprowl, Talbot, Valentine, Wilfong, Wood.

ABSENT — Jacques, Maxwell.

Yes, 121; No, 28; Absent, 2.

The SPEAKER: One hundred and twenty one having voted in the affirmative and twenty-eight in the negative with two being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Palmer of Nobleboro, Recessed until the sound of the gong.

After Recess 9:30 p.m.

The House was called to order by the Speaker.

Mr. Jacques of Lewiston was granted unanimous consent to address the House.

Mr. JACQUES: Mr. Speaker, Ladies and

Gentlemen of the House: I wasn't present at the time the bill was taken up, L. D. 1252, and I would like to go on record as being in favor of it.

On motion of Mr. Jacques of Lewiston,
Adjourned until Tuesday, April 19, at ten
o'clock in the morning.