

# 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

Wednesday, April 20, 1977

**Welcome Back Day**

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

Prayer by Father Thomas Joyce of St. Mary's Catholic Church, Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Joint Order, An Expression of Legislative Sentiment recognizing that: the University of Maine "Bears" have won the State Class "A" Women's Collegiate Basketball Finals championship for 1977. (S. P. 457)

Came from the Senate read and passed.

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

Bill "An Act Creating an Educational Choice Act" (S. P. 448) (L. D. 1587)

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

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

**Study Report****Committee on State Government**

Report of the Committee on State Government to which was referred the study relative to legislative review of administrative rules and regulations of state departments and agencies pursuant to S. P. 710 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying RESOLUTION Proposing an Amendment to the Constitution to Permit the Legislature to Delegate to a Joint Standing Committee of the Legislature the Power to Stay Rules and Proposed Rules of State Executive Agencies Found not to be within the Intent of the Authorizing Legislation Until the Legislature has had an Opportunity to Act (S. P. 461) (L. D. 1586) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted, the Resolution referred to the Committee on State Government and ordered printed.

In the House, the Report was read and accepted and the Resolution referred to the Committee on State Government in concurrence.

**Study Report****Select Committee on State Property Tax Valuation**

Report of the Select Committee on State Property Tax Valuation to which was referred the study relative to State Property Tax Valuation, pursuant to S. P. 610 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Make Possible Property Tax Valuation Assistance to Local Officials" (S. P. 464) (L. D. 1667) be referred to the Joint Standing Committee on Taxation for public hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Taxation and ordered printed.

In the House, the Report was read and accepted and the Bill referred to the Committee on Taxation in concurrence.

**Study Report****Select Committee on State Property Tax Valuation**

Report of the Select Committee on State Property Tax Valuation to which was referred the study relative to State Property Tax Valuation, pursuant to S. P. 610 of the 107th Legislature, have had the same under con-

sideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Establish the 1977 State Valuation Omnibus Reform Act" (S. P. 465) (L. D. 1608) be referred to the Joint Standing Committee on Taxation for public hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Taxation and ordered printed.

In the House, the Report was read and accepted and the Bill referred to the Committee on Taxation in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board" (S. P. 27) (L. D. 40) on which the Majority "Ought Not to Pass" Report of the Committee on Labor was read and accepted in the House on April 11, 1977.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought to Pass" as amended by Committee Amendment "A" (S-47) Report of the Committee on Labor was read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-47) and asked for a Committee of Conference.

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

**Non-Concurrent Matter**

Bill "An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to the Teaching of Maine Studies" (H. P. 158) (L. D. 196) which was passed to be engrossed as amended by Committee Amendment "A" (H-122) as amended by House Amendment "A" (H-154) thereto in the House on April 13, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, the House voted to insist and ask for a Committee of Conference.

**Petitions, Bills and Resolves****Requiring Reference**

The following Bill was received and referred to the following Committee:

**Appropriations and Financial Affairs**

Bill "An Act to Provide Full Implementation of the State Employees' New Compensation Plan" (Emergency) (H. P. 1441) (Presented by Mr. Bustin of Augusta)  
(Ordered Printed)  
Sent up for concurrence.

**Orders**

Mr. Gillis of Calais presented the following Joint Order and moved its passage: (H. P. 1440)

ORDERED, the Senate concurring, that the Joint Rules of the 108th Legislature be amended by adding a new Joint Rule 20-A to read:

20-A. Reports of committees. When a bill or resolve affecting county or municipal expenditures is favorably reported out of a joint standing committee by one or more committee members, the committee report shall indicate that fiscal impact.

The Order was read.

On motion of Mr. Quinn of Gorham, tabled pending passage and tomorrow assigned.

Mr. Spencer of Standish presented the following Joint Order and moved its passage: (H. P. 1442)

WHEREAS, the question of the responsibility for criminal conduct of persons with mental diseases or defects is one of the most complex and controversial in criminal law; and

WHEREAS, legislation, L.D. 466, "AN ACT to Revise the Legal Test for Insanity," has been introduced, and would repeal the test adopted

recently in the Maine Criminal Code, Title 17-A, section 58; and

WHEREAS, the importance of this question demands careful and detailed study, involving both legal and medical expertise; now, therefore, be it

ORDERED, the Senate concurring, that the Criminal Law Advisory Commission is requested and authorized, in consultation with the Legislative Council, through the Joint Standing Committee on Judiciary, to examine in depth the question of criminal responsibility, including statutory definitions, court procedure, sentencing and treatment; and be it further

ORDERED, that the Criminal Law Advisory Commission shall complete its study no later than December 1, 1977, and shall report its findings, together with any proposed recommendations and legislation, to the Second Regular Session of the 108th Legislature; and be it further

ORDERED, that, upon passage in concurrence, a copy of this order be transmitted forthwith to the Criminal Law Advisory Commission as notice of this directive.

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

A Joint Resolution (H. P. 1439) in memory of the Honorable Arthur E. Ela of North Anson, Member of the 91st, 92nd, 93rd, 94th and 95th Legislatures; and a member of the Executive Council.

Presented by Mr. Burns of Anson. (Cosponsor: Senator Redmond of Somerset)

The Resolution was read.

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

Mr. BURNS: Mr. Speaker and Members of the House: Mr. Ela's counsel is going to be sorely missed.

Thereupon, the Resolution was adopted and sent up for concurrence.

A Joint Resolution (H. P. 1443) in memory of the Honorable Gerry Wade of Skowhegan, who served in the 100th and 101st Legislatures.

Presented by Mr. Whittemore of Skowhegan. The Resolution was read and adopted and sent up for concurrence.

(Off Record Remarks)

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

Mr. Tarbell from the Committee on Judiciary on Bill "An Act Concerning Criminal Trespass" (H. P. 589) (L. D. 716) reporting "Ought Not to Pass"

Mr. Tarbell from the Committee on Judiciary on Bill "An Act Relating to the use of Force in Property Offenses" (H. P. 631) (L. D. 772) reporting "Ought Not to Pass"

Mr. Tarbell from the Committee on Judiciary on Bill "An Act Relating to the use of Force in Defense of Premises" (H. P. 633) (L. D. 774) reporting "Ought Not to Pass"

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Keep Certain Business and Personal Records Confidential" (H. P. 225) (L. D. 289) reporting "Ought Not to Pass"

Mrs. Najarian from the Committee on Appropriations and Financial Affairs on RESOLVE, Appropriating Funds to the Maine Mothers Committee to Offset Expenses incurred by the Maine Mother-of-the-year in Representing Maine in Washington, D.C. (Emergency) (H. P. 349) (L. D. 442) reporting "Ought Not to Pass"

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

**Leave to Withdraw**

Mr. Dow from the Committee on Fisheries

and Wildlife on Bill "An Act to Permit Certain Native Americans to Hunt Moose in Maine" (H. P. 909) (L. D. 1108) reporting "Leave to Withdraw"

Mr. Hughes from the Committee on Judiciary on Bill "An Act to Revise the Legal Test for Insanity" (H. P. 377) (L. D. 466) reporting "Leave to Withdraw"

Mr. Stover from the Committee on Local and County Government on Bill "An Act to Revise the Salary of the County Treasurer of Washington County" (H. P. 774) (L. D. 963) reporting "Leave to Withdraw"

Mrs. Martin from the Committee on Local and County Government on Bill "An Act to Increase the Salaries of the County Commissioners and the Register of Probate for Washington County" (H. P. 771) (L. D. 961) reporting "Leave to Withdraw"

Mr. Hickey from the Committee on Local and County Government on Bill "An Act to Increase the Salaries of the Register and Deputy Register of Deeds of Cumberland County" (Emergency) (H. P. 773) (L. D. 962) reporting "Leave to Withdraw"

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Additional Staff for the Public Utilities Commission" (H. P. 171) (L. D. 209) reporting "Leave to Withdraw"

Mr. Perkins from the Committee on Appropriations and Financial Affairs on Bill "An Act to Allocate Money from Federal Antirecession Fiscal Assistance Funds for the Expenditure of Municipal Government" (Emergency) (H. P. 857) (L. D. 1046) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft New Draft Printed

Mr. Hobbins from the Committee on Judiciary on Bill "An Act to Amend the Criminal Trespass Law to Include the Act of Unauthorized Entry upon Conspicuously Posted Property" (H. P. 632) (L. D. 773) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify the Criminal Trespass Law" (H. P. 1438) (L. D. 1639)

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

#### Divided Report

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act Relating to Weights and Measures" (H. P. 297) (L. D. 399)

Report was signed by the following members:

Messrs. HICHENS of York  
JACKSON of Cumberland  
LEVINE of Kennebec  
— of the Senate.

Messrs. MAHANEY of Easton  
ROLLINS of Dixfield  
TOZIER of Unity  
TORREY of Pland  
CARROLL of Limerick  
STROUT of Corinth  
SMITH of Mars Hill  
WOOD of Sanford  
LOUGEE of Island Falls  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following member:  
Mr. HALL of Sangerville  
— of the House.

Reports were read.

On motion of Mr. Mahany of Easton, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Authorize a School Nursing Health Consultant in the Department of Educational and Cultural Services" (H. P. 868) (L. D. 1061)

Report was signed by the following members:

Mr. USHER of Cumberland  
— of the Senate.

Messrs. BAGLEY of Winthrop  
BIRT of East Millinocket  
Mrs. BEAULIEU of Portland  
Messrs. CONNOLLY of Portland  
WYMAN of Pittsfield  
Mrs. LEWIS of Auburn  
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same bill.

Report was signed by the following members:

Messrs. PIERCE of Kennebec  
KATZ of Kennebec  
— of the Senate.

Messrs. LYNCH of Livermore Falls  
PLOURDE of Fort Kent  
FENLASON of Danforth  
Mrs. MITCHELL of Vassalboro  
— of the House.

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

Mr. LYNCH: Mr. Speaker, I move we accept the Minority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the Minority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.  
Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: You may wonder why we are opposed to this — not for the \$20,000, but the Department of Educational and Cultural Services presently employs a health education consultant who works in close cooperation with the Division of Public Health Nursing, Department of Human Services, to provide improved delivery of health services to the children in schools throughout the state.

Presently, there is a study being conducted by the Department of Educational and Cultural Services and the Department of Human Services designed to update and better coordinate school health services. Since the study is not yet completed, specific program responsibilities have not been fully put in place. Therefore, the ultimate potential job description of this proposed consultant is uncertain at this time and I feel that we ought to wait until the study is completed.

Thereupon, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Subsequently, Mrs. Trafton of Auburn moved that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted.

The SPEAKER: The gentlewoman may proceed.

Mrs. TRAFTON: Mr. Speaker and Members of the House: I think it is important that we realize what this person would do and what the present service is that is being offered by the person that Mr. Lynch from Livermore Falls mentioned is doing at this point.

This bill would enable the school departments to have access to a very capable person at the state level to coordinate those very important services that we try to provide in the schools — health screening, coordination of various clinics that are run for immunizations and curriculum planning in health areas.

I think many of you are probably aware that in some of our rural areas at present some of our children manage to go through 12 years of schooling and never even see the health nurse.

At present, because the services are divided between the Department of Educational and Cultural Services and the Department of Human Services, we have a very fragmented situation with no coordination of services.

I think it is important that we begin to realize that if we are going to teach children, we first have to have a healthy child to teach. I have been a teacher and I can honestly say that when the child is not healthy, it is very difficult to try and teach them any academic matters. I have worked in small areas such as Buckfield and I have worked with children who, when they reach their senior year in high school, have 25 cavities in their mouth because they have never been referred to a dentist. I have worked with girls who have never seen a physician, never seen a nurse, never had any kind of basic health screening or nutrition advice. I have also worked in areas like Auburn which has three school nurses but feel very much that they are lacking any coordinated approach and direction from the state level.

I think it is important to realize that the school nurses across the state do support this bill because they would like to see a standardized health screening program developed in the state. I think the money tag on this may be a problem, but I think that certainly \$16,000, plus \$4,000 additional for travel across the state, is a very minimum price to pay for the health of our children across the state. I would ask for a vote on this bill.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the thinking of the gentlewoman from Auburn, Mrs. Trafton. I think some of the things I did find out at the hearing on this and the reasons why I supported an "ought to pass" report on this bill is, the health consultant they have in the department is a very fine person but does not happen to have the qualifications that this bill calls for. This bill wants a nurse or specifies that there would be a nurse who would do this coordinating.

I have talked with a couple of people within the state outside of the hearing who were nurses and who have worked in the nursing program in the schools. They do feel that there is a need for somebody in the department to coordinate the services in the program. They do recognize that so many children today are not getting the kind of health care, as has been pointed out, in the home, and the need for improvement in at least one case. A person told me that they had worked out a worthwhile program in the area that they were health nurse for quite a long while and the success of it.

I think there is a real need for it. I think this could contribute a good deal to possibly improving some of the health and the general situation of health, eyes, teeth and those things in the schools. I hope you will reconsider and then we can defeat the "ought not to pass" and accept the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, I would like to pose a question through the Chair to somebody on the Education Committee. Is this bill with the health consultant, would they have the guidelines and policy procedure set up for administering medication to children in the schools? This has been brought to my attention within our district as to the guidelines, as to the people responsible, and would this bill take care of this or is there another vehicle coming in?

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

Mr. LYNCH: Mr. Speaker and Members of the House: In answer to the question, I would simply say that the study has not been completed and there is a study going on between the

Department of Education and the Department of Human Services.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mrs. Trafton, that the House reconsider its action whereby it accepted the Minority "Ought Not to Pass" Report. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The comment has been made that this item has a \$19,000 price tag on it. If you will look at your calendar, the last page here, it says 54 days until adjournment.

The Appropriations Committee, and I am speaking as a member, not chairman of anything, I am just a member, but the Appropriations Committee is now hearing some bills still, we have given a cursory glance at Part I, dividing the Part I and Part II, we will be at least three more weeks before we know where the current services budget is going to be, hopefully on your desks. From there, we continue deliberation of items that are before us as brought to our committee by you good people. In the meantime, we work on Part II and work on the capital funding for the next biennium. Somewhere along the line, the word no must come into play.

I didn't know until just a few moments ago who the sponsor of this was. I am not addressing myself to anyone who is the sponsor of the measure, I am addressing myself to where we are heading. Unless we start somewhere along the line and unless somebody who is in command starts somewhere along the line, believe me, that 57-54 is going to dwindle and somebody is going to be hanging up in the air. As I understand it, we have got over a thousand bills that have yet to be heard, and there is a great deal of debate, as there should be, on several items, there is a great deal of debate that sometimes could possibly be avoided, including mine.

You take a measure like this, and when it comes out of committee, and I am speaking now not only on this measure but on the program as a whole. You take a measure like this and you look at the report of the committee and you can see for yourself where this thing is headed. You take a measure like this or any other measure like this, you take a look at the report of the committee and you see where the measure is headed. But let's assume that it does survive and winds up on the Appropriations Table. We have put on this bill and that bill, somewhere along the line when the heads decide what is going to go and what isn't going to go, we have wasted a great deal of time.

You have heard the gentleman from Livermore Falls, Mr. Lynch, comment that there is presently a study being made on this program and the study is not in yet. That in itself writes finis to the bill, and if it does by any miracle pass, wind up on the Appropriations Table on the other side, it is headed for a quick, fast death.

I am not in any way trying to dictate. I am not a leader of this branch, I am merely a member of this branch. I am not a leader of the Appropriations Committee. I am only a member of the Appropriations Committee, but somewhere along the line, we have got to start saying no, or else you had better get yourselves ready to go as far as raising the sales tax, the corporate tax, the personal income tax a few points, and other measures. That is where we are heading.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: It is interesting to me

that the gentleman from Lewiston chose to identify this problem today on my little bill for \$20,000. I would correct him, it is not \$19,000, in fact it is even worse, it is all the way up to \$20,000 now. This would take care of what I consider a very pressing need all over the state.

The study that is mentioned is one that would deal mostly with health curriculums. What we are asking for in this bill is a school nurse, a registered nurse, probably with a master's degree in nursing, who would be responsible for coordinating nursing services in all the public schools across the state. This isn't a study, we are talking about direct services and improving direct services for kids.

I couldn't agree more that this body has to set priorities in terms of what it wants to spend money on, and I guess my priority is the health of the kids in our schools across the state.

I would ask you to support this and I would move the Majority Report.

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

Mrs. NAGARIAN: Mr. Speaker and Members of the House: If I am not mistaken, I believe this bill is before us as a result of a study that has already been done, and that is the Children and Youth Planning Project which was headed by Charlie Sharpe. It is \$20,000, and I see no reason why we couldn't pass it and let it go on the Appropriations Table and then when the time comes to set priorities at the end, then we can decide whether or not we have enough money to fund this.

But if you really want to save money, you have this handout on your desks this morning, the step program, \$742,000 to send about 700 kids to private institutions of higher education. This is where we could save big money. We have got a university to send kids to and \$742,000 would go a long way in meeting many basic human needs that this state government is not now meeting.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: It is always very easy and very simple to ask for more money and more services in many directions, but we are at a spot now where there just isn't too much money to spread around.

I also would like to correct one impression that seems to have been made that we don't get any health service or nursing service for children in the schools of rural Maine. You people all know that I live in the woods in Northern Maine, and I can assure you that we in Danforth get excellent service from the health nurse out of Portland. She is at the schools frequently, she provides all sorts of health. I think we have a fairly on-going program, as the gentleman from Livermore Falls, Mr. Lynch, pointed out. We are making a study and I think we can go along with the program we have and let it develop as it will.

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

Mrs. BEAULIEU: Mr. Speaker, I am going to ask you to support the "ought to pass" report. I would also like to think that the gentleman from Lewiston, Mr. Jalbert, is not trying to say that we must always draw bills with dollars and the committees must kill all bills with dollars, because if that is the case, then we won't need an Appropriation Committee.

As for the study that has been referred to, we have had studies up to here at the local level and at the state level, and I am not prepared to sit and wait for the result of another study when one has been made that told us we need this.

Health care, public nurses, nurse care in schools is getting terribly expensive, very expensive. This time has come when we need somebody in the Department of Education at the state level to start looking at curriculums,

coordinating services and to do the job that I feel is not being done now.

I have been on a school board for two and a half years and involved in education for 12 years, and I didn't even know we had a person at the state level already there to do these things, which should tell you something right away. I hope you will support the "ought to pass" report.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make one more short point. I know that we are very concerned about money and I would like to give you an example of how this bill can save money.

When I was working in the Auburn School System, I taught the children who because of their physical health were unable to go to school. Many of my clients had the disease called scoliosis, which is curvature of the spine disease. If they had been identified very early, in the kindergarten or possibly first or second grade, they could have used remedial exercises and never had to have any further medical treatment. However, because of a lack of poor coordinated health screening, when they reached their senior year in high school, they had to have a very serious operation to correct the curvature of the spine, remain six months in a body cast and then six months in a walking brace. They were out of school this whole time, the school department had to pay for my services and we, the state, also had to pay for all this health care that this individual received for well over a year. I think \$20,000 spent for preventive medicine will go a long way and prevent money being spent later on for this kind of health expenditure.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I feel that health services in the schools are being handled adequately now, so as far as the content of this bill is concerned, I am perfectly satisfied with the status quo. However, I am up here to speak as a member of this House and a member of the Appropriations Committee, and I am urging you to vote for reality. Sometimes in this session, we are going to have to start facing reality; let's face reality on this bill now and I urge you to vote no on the pending motion.

Mr. Dudley of Enfield requested a roll call vote.

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

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

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

Mr. MORTON: Mr. Speaker, obviously what I considered the pending motion was the opposite one, so if you want to follow my light and follow the gentleman from Livermore Falls, you will vote yes.

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the Minority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Austin, Bennett, Berry, Biron, Blodgett, Boudreau, P.; Brown, K. L.; Byers, Carrier, Carter, F.; Chonko, Conners, Cote, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gillis, Gould, Gray, Hickey, Higgins, Hunter, Hutchings, Jalbert, Kelleher, LaPlante, LeBlanc, Lizotte, Lougee, Lynch, Mackel,

Mahany, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McHenry, McKean, McPherson, Mitchell, Morton, Pearson, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Shute, Smith, Sprowl, Stover, Strout, Tarbell, Torrey, Tozier, Truman, Twitchell, Tyndale, Whittemore.

**NAY** — Bachrach, Bagley, Beaulieu, Benoit, Berube, Birt, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Carroll, Churchill, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Elias, Flanagan, Fowle, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hobbins, Howe, Huber, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Locke, MacEachern, Maxwell, McMahan, Mills, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Plourde, Post, Prescott, Quinn, Silsby, Spencer, Talbot, Tarr, Teague, Theriault, Tierney, Trafton, Valentine, Wilfong, Wood, The Speaker.

**ABSENT** — Aloupis, Bunker, Bustin, Carey, Carter, D.; Gauthier, Hughes, Lunt, Moody, Palmer, Peakes, Stubbs, Wyman.

Yes, 68; No, 70; Absent, 13.

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

Thereupon, the Majority "Ought to pass" Report was accepted and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Relating to the Computation of per Pupil Cost by School Administrative Units Operating New Physical Plants" (H. P. 861) (L. D. 1050)

Report was signed by the following members:

Messrs. **PIERCE** of Kennebec

**KATZ** of Kennebec

**USHER** of Cumberland

— of the Senate.

Mr. **LYNCH** of Livermore Falls

Mrs. **MITCHELL** of Vassalboro

Messrs. **BIRT** of E. Millinocket

**FENLASON** of Danforth

**PLOURDE** of Fort Kent

Mrs. **BEAULIEU** of Portland

Messrs. **CONNOLLY** of Portland

**WYMAN** of Pittsfield

Mrs. **LEWIS** of Auburn

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following member:

Mr. **BAGLEY** of Winthrop

— of the House.

Reports were read.

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

Mr. **LYNCH**: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report.

The **SPEAKER**: The gentleman from Livermore Falls, Mr. Lynch, moves that the Majority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. **LYNCH**: Mr. Speaker and Members of the House: So that you can understand this bill, I would like to say that this, if passed, would be an open-ended measure over which you would have on hard figures to deal with. In the year 1975-76, there were 11 start-up schools, 1976-77, 23, and 1977-78, 16, and the way to settle this is to come in with a private and special law in which you have hard figures for each district. I hope you accept the "Ought not to pass" Report.

Thereupon, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Liquor

Control reporting "Ought to Pass" as amended by Committee Amendment "A" (H-166) on Bill "An Act to Provide for Licensing of Bottle Clubs" (H. P. 232) (L. D. 295)

Report was signed by the following members:

Mr. **LOVELL** of York

— of the Senate.

Messrs. **MARSHALL** of Millinocket

**NADEAU** of Sanford

**RAYMOND** of Lewiston

**MAXWELL** of Jay

**IMMONEN** of West Paris

**GRAY** of Rockland

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. **DANTON** of York

**LEVINE** of Kennebec

— of the Senate.

Messrs. **CONNERS** of Franklin

**TWITCHELL** of Norway

**JACQUES** of Lewiston

**LIZOTTE** of Biddeford

— of the House.

Reports were read.

On motion of Mr. Maxwell of Jay, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-166) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Require Utilities to Pay Excise Tax on their Vehicles" (H. P. 917) (L. D. 1113)

Report was signed by the following members:

Messrs. **COLLINS** of Aroostook

**CARPENTER** of Aroostook

Mrs. **CUMMINGS** of Penobscot

— of the Senate.

Messrs. **KELLEHER** of Bangor

**PEARSON** of Old Town

**SMITH** of Mars Hill

**NADEAU** of Sanford

Mrs. **TARR** of Bridgton

Messrs. **CUNNINGHAM** of New Gloucester

**BERRY** of Buxton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. **McHENRY** of Madawaska

**WOOD** of Sanford

— of the House.

Reports were read.

Mr. Kelleher of Bangor moved that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. **WOOD**: Mr. Speaker, Ladies and Gentlemen of the House: I have served on the Public Utilities Committee for about three months, and when it comes to trying to regulate the utilities, I would describe it as trying to sew buttons on a custard pie.

We will get there. We have got a good bill that is going to give a little fairness to the consumer, in some way regulate the utilities, and we are hit with that zinger when you know they are going to pass it on to the consumers. I have come to believe that oftentimes that argument is used to block any type of meaningful regulation of the public utilities. So when you hear that key phrase, they are only going to pass it on to the consumers, in my mind that must mean the bill has got some good points.

I would argue that there are two good points to this bill: One, that it is fair, it requires utilities to do the same things that we as citizens do and that businesses do in this state

— that is, pay an excise tax. The other thing that I liked about this bill is that it will point out to the consumer the true cost of utilities. I think if we are serious, and as President Carter would like us to be serious about conserving on our utilities, the best way to do that is to show the consumer a true price of what it actually costs for utilities.

For those two reasons, I would urge you to vote against the Majority "Ought not to pass" Report and to vote for the Minority "Ought to pass" Report so that for some of us on the committee it will be a little easier to sew those buttons on. I would ask for a roll call.

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

Mr. **KELLEHER**: Mr. Speaker, Ladies and Gentlemen of the House: I believe with my six or seven years on the Public Utilities Committee, no one has been an advocate any more than I and other members in representing what we believe to be fair and equal justice in dealing with the utilities and representing the consumers.

Mr. Wood talked about sewing buttons on a custard pie, and I think that is just about what his arguments amount to, without the pan to put the custard pie in.

This bill deals with New England Tel and Tel, it deals with 903 automobiles or pieces of equipment that they own. We all know full well that if in fact the excise is paid on these vehicles, which has been exempted now for many years, it is going to come out of the very rate payers that you and I and the majority members of both bodies try to represent.

Any way you cut the pie, whether it is custard pie or apple pie, the rate payers are going to have to pay the expense of licensing these vehicles. So in the long run, I think we would be far ahead of the game if we took this bill and accepted the Majority "Ought Not to Pass" Report, because no matter how you look at it, Mr. Wood and Mr. McHenry and Mr. Laffin are in fact passing on to the consumers a cost that I don't think we should have to ask them to bear right at the moment.

I have the greatest respect for the gentleman from Westbrook, usually he is fighting in the right corner, but on this one I think he is out of his class. He is a heavyweight and he is fighting in a featherweight division.

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 in support of the gentleman from Sanford, Mr. Wood. It seems to me there is a difference between taxpayers and ratepayers, and the ratepayers should be paying the cost of operating the utilities and the taxpayers should be meeting the general obligations of the state. Although this is a minor item, if you exempt the utility from paying the excise tax, what you are really doing is forcing the taxpayers to subsidize the ratepayers. In most cases, it is the same people, but there are differences and there are people who use more utilities in relation to their share of the taxes, so it seems to me it is a matter of good policy. The ratepayers should pay the cost of operation and that could include the vehicle excise tax.

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

Mr. **CARROLL**: Mr. Speaker and Members of the House: I rise, also, in support of Representative Wood from Sanford. I just got a report here on the recent rate increase request they received. They are requesting, and I am astounded at their gall to continue to ask for more money constantly. I am also astounded to hear that they don't pay an excise tax for their vehicles, because they ride around my community and help wear out the roads and they are not paying part of the cost. Excise tax money, as I understand it, remains in the local community. How do we maintain the local roads if

we have a lot of freeloaders riding around on them?

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker and Members of the House: I may not be a heavyweight, and this is my second term and I resented that remark to begin with, but I never knew it was legal to allow a certain few people to have vehicles and not pay an excise tax when all the farmers I know and every other industry has to pay an excise tax on their vehicles.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This is more or less a question I would like to refer to someone, but if I am not mistaken, the City of Augusta would be the only one who would derive any benefit from this excise tax, because that is incorporated and I believe they pay their excise tax here in the City of Augusta. All the utility users would be the losers because we would still have to pay for it; it would only be added to our bills, if I am not wrong.

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

Mr. KELLEHER: Mr. Speaker, I believe the gentleman is correct.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: Speaking as a Representative from District 30, I think the proposal of Mr. Wood has a good deal of merit. I do believe, however, it should be amended to avoid the exact difficulty Mr. Churchill just mentioned. If we do lay on the ratepayers this tax for excise, the excise will, in fact, be collected at one or two points; therefore, the ratepayers in Gorham, perhaps, would be contributing to the excise coffers of Augusta.

Nevertheless, I think the idea is a good one, I think we should accept it today, I think we should send it to second reader and amend it so that this excise tax can be collected at a special provision by this state and redistributed by the state to the local municipalities.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: If my memory serves me correctly, there is a bill pending somewhere in the legislature that would require that excise taxes collected on vehicles be paid to the towns in which those vehicles spend the night, so to speak.

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

Mr. CUNNINGHAM: Mr. Speaker and Members of the House: I think when we start hitting anybody with taxes, we had better start thinking about what they are already paying. I would just like to raise one point, that there is a tax on the utilities in lieu of excise tax, and it is called a gross receipts tax.

If you want to keep adding taxes onto individuals and companies, you are going to add the tax on the individuals eventually, as the good gentleman from Bangor has already pointed out. Where they are already taxed, let's not add on any more taxes which the individual, the taxpayer and the ratepayer, who happen to be the same person in this case, is going to have to pay.

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 Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad this morning that the New England Telephone Company has so many people coming to their defense. That is very gratifying.

There are a couple of things that have been said here that I would like to correct. First of all, the excise tax was granted a privilege by the 1959 State Legislature where we now sit. They said out of the goodness of their hearts that they would not charge the New England Telephone and Telegraph Company an excise tax, and they have 959, give or take a few, we don't know exactly how many they have because they never tell you the exact truth, but roughly in that neighborhood, they have that many vehicles. Westbrook has one vehicle stationed there, so the City of Westbrook would not get rich on their excise tax. They are not all stationed here in Augusta. They are spread out all over the state.

The towns and cities that have New England Telephone Company vehicles in their cities would be able to have them pay an excise tax on that vehicle to the town or the city where they are stationed.

The second thing is that I have heard so many times since I have been up here, the people will have to pay for this. Well, the people are paying now. Who pays for the New England Telephone Company? It is the people. They come crying all the time for my money. They want \$27 million now and in 1975 they never paid a bit of tax. Yet, the New England Telephone Company belongs to a company that made over a \$100 million profit in the first three months of 1976. I am telling you, ladies and gentlemen, when you hear the bleeding hearts for New England Telephone Company, it is fully disgusting, because those bunch of bandits are nothing more than leeches and vultures, trying to get money off the people.

The SPEAKER: The Chair would ask the gentleman from Westbrook to please refrain in the use of his language.

Mr. LAFFIN: Mr. Speaker, I am not upset this morning, I can use a lot worse language on them.

I realize this is not a lot of money. I realize that when you deal with the New England Telephone Company the amount of money that they are going to save isn't really a lot, but is the principle, it is the principle behind allowing this big company the freedoms that you don't give to other companies.

How would it be if we passed a law up here stating that all legislators would not have to pay an excise tax on their vehicles. I don't think that would go over very good back home, but we could do that. We could pass a law up here saying that if you are a member of the legislature, you won't have to pay an excise tax on your vehicle. I don't think many of us would be back here, not for the \$15 or the \$25 or the \$50 or the \$80 on your car, it is the principle of the thing, and that is what we are talking about.

I know we are not going to get all upset over this little peanut bill because there are others that are going to be important, but to think that we as legislators are going to give tax breaks to companies who pay big salaries, big executive salaries so that the money that the people of Maine are putting into them, and they are sending the majority of their money out of state that is collected here in this state. The people of Maine, you know, are making the New England Telephone Company very wealthy, they are making them extremely wealthy.

You know, they must love not having competition. They have no competition. They have no one but themselves to please, and then, on top of that, if they can please, which apparently after yesterday's hearing they do, if they can please that screwball of a Public Utilities Com-

mittee we have got down there, then they will succeed.

The SPEAKER: The gentleman from Westbrook will please be seated.

Mr. LAFFIN: Mr. Speaker, I have nothing else to say.

The SPEAKER: The Chair appreciates it and the Chair will ask the gentleman to refrain from any further remarks on the subject.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I must rise on the reference that New England Telephone Company is the only telephone company in the state and that Central Maine Power is the only power utility in the state. We have some 20 other telephone companies in the state. I think there are in the vicinity of 30 electric companies in the state, as well as over 100 water companies. This affects them as well as it does New England Telephone and Central Maine Power.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to respond to much that came from that direction, although I think Mr. Cunningham made a point that some of you might not have gotten. Your utility companies today are paying an excise tax in a sense, and that tax is combined with what is called a general revenue tax which amounts to 7 percent.

I don't care what you do with this bill, whether you pass it or whether you don't pass it, because it really doesn't make any difference. If you do make utilities pay an excise tax, and that is what you want to do, fine; all they will do on the other hand is drop the rate of the general revenue tax, so you aren't going anywhere with this bill anyway, no matter what you do. If you think you are saving someone some money, you are not.

It always amazes me to see this type of bill come before this body, and I know how most of you feel, and you pay a lot of attention to this type of bill; yet, when we get something really heavy, something that would do some good, we can't even get the thing through here, and I think that is just amazing.

The only response I would make to the gentleman from Westbrook, Mr. Laffin, is that I hope he doesn't consider me as one of those people who are supposedly in the pocket of the utilities, because I certainly am not and I never have been and probably never will be. I am sure that most of the other members of the committee that I serve on are in that same category.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Majority "Ought not to pass" Report, I want to state that I am not on the defense of New England Telephone, I am trying to defend the ratepayers of the State of Maine.

If this bill were to pass, the PUC would then state that paying the excise tax on the motor vehicles would be a legitimate expense and it would be passed on to the ratepayers as part of the expenses of the utility. It is as plain and simple as that. Pay it one way or the other.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the Majority "Ought not to pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Burns, Byers, Carter, F.; Churchill, Clark, Conners, Cote, Cunningham, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Flanagan, Fowlie,

Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Henderson, Hobbins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LeBlanc, Lewis, Littlefield, Lizotte, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreairty, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Twitchell, Tyndale, Whittemore, Wilfong.

NAY — Benoit, Blodgett, Brenerman, Carrier, Carroll, Chonko, Connolly, Cox, Curran, Davies, Diamond, Dutremble, Goodwin, H.; Hall, Hickey, Higgins, Howe, Jensen, Kane, Laffin, LaPlante, Locke, Lougee, MacEachern, Martin, A.; McHenry, Nelson, M.; Nadeau, N.; Post, Quinn, Spencer, Stubbs, Tozier, Truman, Wood, Wyman.

ABSENT — Aloupis, Bunker, Bustin, Carey, Carter, D.; Greenlaw, Hughes, Lunt, Mahany, Moody, Norris, Palmer, Peakes, Valentine.

Yes, 100; No, 36; Absent, 14.

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

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Prohibit the Telephone Companies From Charging More Than \$17.50 for the Installation of a New Telephone in a Residence" (H. P. 881) (L. D. 1072)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot

Messrs. CARPENTER of Aroostook

COLLINS of Aroostook

— of the Senate.

Mr. SMITH of Mars Hill

Mrs. TARR of Bridgton

Messrs. CUNNINGHAM of New Gloucester

BERRY of Buxton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. NADEAU of Sanford

McHENRY of Madawaska

WOOD of Sanford

PEARSON of Old Town

KELLEHER of Bangor

— of the House.

Reports were read.

On motion of Mr. Kelleher of Bangor, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act Concerning the Crime of Prostitution" (H. P. 629) (L. D. 770)

Report was signed by the following members:

Messrs. TARBELL of Bangor

HENDERSON of Bangor

BENNETT of Caribou

Mrs. BYERS of Newcastle

Messrs. GAUTHIER of Sanford

HOBBINS of Saco

SPENCER of Standish

DeVOE of Orono

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. CURTIS of Penobscot

MANGAN of Androscoggin

COLLINS of Knox

— of the Senate.

Mr. NORRIS of Brewer

— of the House.

Reports were read.

On motion of Mr. Spencer of Standish, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act to Repeal the Habitual Offender Law" (H. P. 325) (L. D. 416)

Report was signed by the following members:

Messrs. CURTIS of Penobscot

MANGAN of Androscoggin

— of the Senate.

Messrs. NORRIS of Brewer

HENDERSON of Bangor

TARBELL of Bangor

BENNETT of Caribou

Mrs. BYERS of Newcastle

GAUTHIER of Sanford

HOBBINS of Saco

SPENCER of Standish

DeVOE of Orono

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:

Mr. COLLINS of Knox

— of the Senate.

Reports were read.

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

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

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

Mr. GRAY: Mr. Speaker, would somebody from the committee please explain what the purpose of this law is and what repealing it will accomplish?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The bill heard by the Judiciary Committee was "An Act to Repeal the Habitual Offender Law," and what that law provides is that if a person has a certain number of convictions for driving offenses, they can be then taken into court and upon proof of the number of convictions, they will have an automatic suspension to their driver's license for one year. The committee felt that the present administrative procedures in the Secretary of State's Office, where after the accumulation of a certain number of points the Secretary of State has the authority to suspend the license, took care of the situation and covered it adequately and that we didn't need both provisions.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question to the gentleman and that is, does this habitual offender law apply only to traffic violations or does it apply to criminal violations too?

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

The Chair recognizes that gentleman.

Mr. SPENCER: Mr. Speaker, the habitual offender law deals only with offenses involving the use of a vehicle and the penalty is a suspension of the driver's license.

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

Mr. McMAHON: Mr. Speaker, I would like to pose another question to Mr. Spencer. Is the notification procedure required from the Secretary of States Office to the individual involved? The same under the habitual offender law as it is under the normal suspension of license privileges law?

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, has posed a question through the Chair to the gentleman from Standish, Mr. Spencer, who may answer if he desires.

The Chair recognizes that gentleman.

Mr. SPENCER: Mr. Speaker, I think that the procedures would be different and I don't know the specifics, to answer to the question. Under the habitual offender law, a complaint would have to be filed and it would be served in accordance with the rules of civil procedure the same way that a criminal prosecution is carried out. I think that the procedures would be different. The habitual offender law would be a criminal proceeding in the court, whereas the current procedures with the Secretary of State's Office are administrative.

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

Mr. McMAHON: Mr. Speaker, to pursue this for a moment, this is another question to the Judiciary Committee Chairman. It is my understanding that presently when drivers are suspended from operating in this state, before that suspension takes effect, they must be notified by a staff person of the Secretary of State's Office who has the responsibility of actually retrieving their license or at least notifying them in some way? My question is, are we weakening our ability to take drivers off the road by eliminating one of two procedures that we might be able to get them off the road?

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

Mr. SPENCER: Mr. Speaker, at the hearing on this matter, the witnesses testified that the procedure under the habitual offender law was virtually never used and that the state was, in fact, relying on the Secretary of State's Office to do this, so it didn't appear to the committee that we would lose our ability to enforce the law.

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

Mr. STUBBS: Mr. Speaker, I would like pose a question. Does the offender have the right to appeal from the Secretary of State's opinion to the courts?

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

Mr. SPENCER: Mr. Speaker, under Rule 80-B of the rules of civil procedure, any administrative action such as the license suspension can be appealed to the courts.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I am familiar with an incident in my area where a person was tried under the habitual offenders law. This particular individual has been in trouble all his life. He has a long criminal and civil record. Somehow he has always escaped punishment. His last act, while racing with a relative, he ran over and killed a 12-year-old girl on a bike. Because he failed to stop, and he and his vehicle were not found for two days, they were unable to prove the fact that he was driving under the influence. Even though he was driving under suspension, involved in an accident, leaving the scene of an accident, he received only a \$600 fine. I think you can imagine how the child's parents feel. To them, this was not justice. Because of his long record, he was tried and convicted under the habitual offender law. He is still at large, but if he is caught driving a vehicle again, he will be tried as a felon.

I don't know what your constituents are tell-



ing you, but mine are telling me that they are fed up with the lenient judges and the lenient criminal justice system. The pendulum has swung too far. The social engineers are admitting that this leniency toward the criminal justice system has been a dismal failure.

The habitual offenders law is just that. It is the last resort to remove from society the criminals. We need this law on the books to protect those of us who want to live with a reasonable degree of security. They are not looking to be paid off under some scheme to pay the victims. Money is little compensation when you have been permanently maimed or a child killed, as was the case in my area. What they want is this element removed from society and habitual offender law is just one way, if not the only way, this can be accomplished.

I request a roll call.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The Committee's feeling on this was that where the penalty from the habitual offender law was simply a loss of the privilege to drive, the penalty under the habitual offender law is not different from the administrative penalty that the Secretary of State's Office has the authority to administer. The habitual offender law as used here in the traffic situation does not involve incarceration of a person who is guilty of it, it is a loss of the privilege to drive. It was the feeling of the committee that the loss of the privilege from the Secretary of State's Office was as effective as loss of the privilege through the habitual offender law and that what we had was, in effect, unnecessary duplication of procedures.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: To go one step further, this is my bill and the court now has the right under sections of the law, even on first convictions, to give a jail sentence for these people that break the motor vehicle law. They don't need the habitual offender to send him to jail. It is duplication. In fact, it is watered down because the court only has the power to give a one year suspension under the habitual offender law and the Secretary of State's Office can now give longer periods of time than that.

Most of them that come to the courts under the habitual offender law are already under suspension anyway, so actually it is a duplication and not a needed section of the law.

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 and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Standish, Mr. Spencer, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Blodgett, Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Byers, Carrier, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc,

Lewis, Littlefield, Lizotte, Locke, MacEachern, Mackel, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Nadeau, Nelson, N.; Norris, Pearson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Silsby, Spencer, Strout, Stubbs, Talbot, Tarbell, Tarr, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Austin, Birt, Boudreau, A.; Conners, Drinkwater, Gillis, Gray, Higgins, Hunter, Lougee, Lynch, Marshall, Moody, Nelson, M.; Perkins, Peterson, Rollins, Shute, Smith, Sprawl, Stover, Teague, Theriault.

ABSENT — Aloupis, Ault, Benoit, Bunker, Bustin, Carey, Carter, D.; Carter, P.; Howe, Huber, Hughes, Lunt, Mahany, Mitchell, Morton, Najarian, Palmer, Peakes, Peltier, Twitchell.

Yes, 108; No, 23; Absent, 20.

The SPEAKER: One hundred and eight having voted in the affirmative and twenty-three in the negative, with twenty being absent, the Majority "Ought to Pass" Report was accepted.

The Bill was read once and assigned for second reading tomorrow.

#### Divided Report

Eight Members of the Committee on Public Utilities on Bill "An Act Relating to Utility Rate Making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies" (H. P. 778) (L. D. 965) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-170)

Report was signed by the following members:

Mr. CARPENTER of Aroostook  
— of the Senate.

Messrs. KELLEHER of Bangor  
WOOD of Sanford  
SMITH of Mars Hill  
BERRY of Buxton  
NADEAU of Sanford  
McHENRY of Madawaska  
PEARSON of Old Town

— of the House.

Three Members of the same Committee on same Bill reports in Report "B" that the same "Ought Not to Pass".

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot  
Mr. COLLINS of Aroostook

— of the Senate.

Mr. CUNNINGHAM of New Gloucester  
— of the House.

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-171)

Report was signed by the following member:  
Mrs. TARR of Bridgton

— of the House.

Reports were read.

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

Mr. KELLEHER: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I would request a vote on this bill, but I would like to have you take a look at the Amendment, H-171, that I am the lone signer or the lone ranger of the Public Utilities Committee on this. This would include not only the electrical companies and the telephone companies but also gas and the railroad companies. The PUC does regulate these and territorial monopolies do exist.

So, if we are going to go after the telephone

people and Central Maine Power or the power companies, that is all right with me, but I think everybody should be treated equally and I think that the gas people, the railroad people, their expenses should also be charged to stockholders. I would ask you to support my report. I need your help; I am all alone.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill that was presented by Mrs. Post deals with the advertising of utilities and the committee, in its wisdom, with the accepting of Mrs. Post's bill, believes that the utilities should be advertising when it comes to promoting public safety, public health or energy conservation. I can't for the life of me understand why CMP advertises the six o'clock news or Bangor-Hydro may be sponsoring a program completely foreign to dealing with utilities.

I might add that Mrs. Tarr, who I have the greatest respect for, voted originally "Ought Not to Pass". She is a good legislator. She came up with the idea, and occasionally we are all guilty of it, she decided she would come out with Report "C" and include everybody, put a blanket covering on all utilities. This bill that Mrs. Post has got is aimed at the principles, and if there is one way to kill a bill or kill a report, it is just to blanket it and indict everybody and hook them onto the trolley car.

I think Mrs. Post's bill is a bill that we should consider. I would hope that you would support the Majority Report. We had a bill similar to this in the last session of the legislature and it passed overwhelmingly and, if I am not mistaken, I believe that the Speaker of the House sponsored it. Knowing good legislation, Mrs. Post is sponsoring it at this session of the legislature.

This is a good bill, it does not prohibit utilities in dealing with safety or dealing with conservation but I, for the life of me, cannot understand why they should be promoting a radio show or a television show dealing with the news.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to explain why I felt that this "ought not to pass." I think one of the things that I heard most in my first effort in political activity, my first campaign, is that we have too many laws, too many rules, too many regulations handed down to us from Augusta.

I think the only point I would like to make in this particular debate is that the Public Utilities Commission already has the authority to differentiate the expenses which they can allow for advertising, and if the Public Utilities Commission feels that a particular advertising program of a utility is one of a safety nature or a conservation nature or some type of public beneficial advertising, then they can allow that to be considered a legitimate business expense. If the Public Utilities Commission should feel that these expenses are not to the general benefit of the ratepayers and people who have to accept their services, then they can say that we don't allow this in the rate-making process. So, why do we need to keep passing new rules and regulations, new definitions of methods when we already have these things? Why do we have to have any more? I think this is what the people on the streets are asking us all the time. I have to try to express that viewpoint. This is a common man's viewpoint. This is a freshman's viewpoint. Why are we continually passing more new regulations when we already have them existing?

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

Mr. KELLEHER: Mr. Speaker, Ladies and

Gentlemen of the House: Just an answer to Mr. Cunningham's remark, this bill, and there are others coming along, that there is, in fact, some rules and regulations dealing with this particular issue as well as others, but I think it is important that this legislature make it into law. Because the philosophy of the present commission happens to be in tune with this type of legislation, that doesn't mean that it is going to continually exist. It never has in the past, except for the last few years, and I think you are going to be seeing a number of bills coming from the PUC Committee in terms of setting down what the statutes should be, even though they may exist now in the rules and regulations.

This is an important issue, along with others that are coming out, it issues that I think that deal fairly with the consumer and I think they should be on the statutes. I hope this House takes a good, long, hard look at bills that are coming from the PUC Committee, because I expect that other committees dealing with other areas in state government are going to be doing the same thing.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Men and Women of the House: I would like to respond to my good friend and excellent chairman, I might add, of our Public Utilities Committee, Mr. Kelleher, and it is true, I did sign the "ought not to pass" originally, and because these regulations should apply to everybody. I don't think because I came out with my own report, "C", that that should be held against me either. I wouldn't want to get sexist about that, but I think it is a woman's prerogative to change her mind. I have done it in the past and I will do it again in the future.

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

Mr. JALBERT: Mr. Speaker, I haven't had a chance to discuss this with you, but the corporation I work for has been mentioned on two or three occasions and I feel I might be in conflict of interest; consequently, could I be excused from voting? That way I will know I won't be doing wrong.

The SPEAKER: The Chair would advise the gentleman from Lewiston that he could not be in conflict dealing with Committee Amendment "A" but he could potentially be in conflict dealing with Committee Amendment "B"; therefore, the Chair will excuse him from voting on this vote only.

The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the Majority "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.

80 having voted in the affirmative and 13 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-170) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Consent Calendar

##### First Day

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

(H. P. 546) (L. D. 663) Bill "An Act to Continue Providing Aid to Certain Charitable Institutions" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

On the objection of Mr. Biron of Lewiston, was removed from the Consent Calendar.

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

(H. P. 423) (L. D. 528) Bill "An Act to Authorize Affiliated Banks to Operate Com-

bined Common Trust Funds" — Committee on Business Legislation reporting "Ought to Pass"

(S. P. 74) (L. D. 183) Bill "An Act to Revise the Maine Regional Library System" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-72)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 21, under listing of the Second Day.

(H. P. 575) (L. D. 699) Bill "An Act to Provide Interest on Judgments in Civil Actions" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-168)

On the objection of Mr. Tierney of Lisbon Falls, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-168) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 883) (L. D. 1054) Bill "An Act Changing the Name of Webster Water District to Sabattus Water District and Providing Compensation for the Trustees" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-169)

No objections being noted, the above item was ordered to appear on the Consent Calendar of April 21, under listing of the Second Day

#### Consent Calendar Second Day

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

(S. P. 242) (L. D. 776) Bill "An Act to Clarify the Regulation of Public Utilities Owning Interests in Electric Generating Plants and Related Facilities"

(S. P. 297) (L. D. 923) Bill "An Act to Clarify the Town Line Between the Towns of Waterford and Stoneham" (C. "A" S-60)

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

#### Passed to Be Engrossed Amended Bills

Bill "An Act to Increase the Penalties for Violation of State Antitrust Laws" (H. P. 273) (L. D. 347) (C. "A" H-163)

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

Bill "An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation" (H. P. 473) (L. D. 579) (C. "A" H-164)

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

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: It is a difficult decision for me today to stand up here and to oppose the State of Maine giving, and this is what this bill says, \$30,000 to the Arthritis Foundation. I think it is time that we as members of this House make the hard decision that we have to make. The people of the State of Maine that elected us pay taxes to the State of Maine for the purpose of providing state services. Those state services are the things such as education and other considerations. However, if the people of the State of Maine feel that they want to give money to the Arthritis Foundation, the March of Dimes, or any other organization, which I support, if anyone checks my record, I spend all of my free time working for those organizations, and I say to you that if each of you members of this House spent a little bit of your time working for organizations like that,

they would raise far more money than the \$30,000 they are asking for right now.

I don't think it is our place here in government to give money to organizations like this. That is not what we are sent here for. If the taxpayer wants us to give money to these organizations, he would do it himself. He pays his taxes for the state services. This is the problem I have with this bill.

There was a similar bill that came through this House earlier. I believe at the time the bill was for the Epilepsy Foundation, and I stood up and asked for a roll call and I was denied the roll call. I wanted to speak on the issue at that time. Today I objected to item number one which calls for \$81,000 to be given to organizations like this.

Many of you, and I have heard the comments in the House, that we will let it go through the House because we don't want the people back home to say that I am against the people with arthritis, I am against the people with polio or whatever the case might be, and we will let it die on the Appropriations Table. I think it is time you took a stand. That is why you were elected. Not to let it die on the Appropriations Table but to make a decision.

Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed and I ask for the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Biron, moves that this Bill and all its accompanying papers be indefinitely postponed and that the vote be taken by the yeas and nays.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: In some ways, I would respect the feelings of the good gentleman from Lewiston, but on the other hand, I think that our position here is to try to decide what issues should be important to the people of the State of Maine.

From time to time we must raise money to support various programs which we find essential to the people of the state. We can't always depend on contributions. We have our volunteer fire departments in many of our small communities and yet we allocate money from tax dollars to help support those organizations, such as the local fire department.

Now, here before us we have one of those bills to support people in the state to carry on some studies to identify some programs. This is not an annual thing, an appropriation that is made year after year, it comes only once in awhile when a particular agency, a particular program would be benefitted by a few dollars to assist the people of the entire State of Maine, and this is the intention, whether it is the Epilepsy Foundation that is receiving some money or the Arthritis Foundation. It is the case of the people in the State of Maine supporting the people of the State of Maine. It is a small amount of money when you talk about the total budget, we are not doing this in millions of dollars. We have only a few organizations which come in one year or another in order to help the people of the state.

I would urge you to support the legislation and to vote against the indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First, I would like to commend my colleague from Lewiston, Mr. Biron. This is an appropriations matter. I was not present yesterday when the vote was taken, but I authorized my signature. In all honesty, I think probably it might be well, even for some of us who have been here longer, to heed the words of the young man who has been here some 40 days.

I give to the United Way. I have someone ring my doorbell besides that for the Arthritis Foundation, for epilepsy, for heart, for cancer, and I

give to those areas. They would go to the local government for funds. Many of them come to county government for funds. And as I say, and I am delighted to have this opportunity to get up and make the comment that I wasn't picking this morning on any one individual, I am not carrying any vendetta against anybody, but somewhere along the line, someone must be consistent, and somewhere along the line, a continuation of voting for these bills means a hike in the sales tax, no matter how you look at it. You have got to get the money somewhere. You can only tax the corporations so much, you can only tax the income tax so much. You try on the so-called sin taxes and you don't get too far, and somewhere along the line we must start saying no, and that is exactly what the gentleman from Lewiston, Mr. Biron, is saying. Frankly, I commend him for his courageous position. I am sure that the gentleman from Lewiston, Mr. Biron, does exactly what I do when the doorbell rings — he opens the door and I am sure he donates as we all do. There just comes a time when we just cannot afford certain programs, be they the ones that I depicted myself as the man with horns a little while ago or be it this one here.

Frankly, somewhere along the line, I want to hear from our leaders. Once in awhile I want to know if you are still in the room, that is all. I just want to know if we couldn't somewhere along the line hear from you. We would like to have some direction. That is why we voted for you, to be our leaders.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: I would ask that you vote no on the pending motion of indefinite postponement for a number of reasons. First, I would commend the Committee on Health and Institutional Services for reporting out L.D. 579 with a unanimous "ought to pass" as amended report.

Arthritis is not a glamorous disease, and 68,000 people in the State of Maine are diagnosed with arthritis in one of its many, many forms. Arthritis is not like heart disease or cancer, it is not organized with door-to-door campaigns and solicitations for funds, it is a foundation that works in the background for the organized service organizations of this state and is supported in part by donations, receipt of money from wills, it is also funded in part by the United Way, but it is funded inadequately, for indeed there is information across this state, or lack of information, as to the effects in the diagnosis and the treatment of arthritis.

I am a victim of rheumatoid arthritis and I am also a victim of ignorance of the disease, for I was not provided with the information through the medical facilities of this state which would have prevented damage to the skeletal portions of my body.

Arthritis is one of those programs which should be of concern to members of this House, the people's House. It is an issue of public welfare, and that constitutionally charges us, as representatives of the people, to promote the public welfare and allow this bill to proceed through the legislative process where it will have its day on the Appropriations Table and will be, I am sure, graded as to priority. I am willing to take the chance that the members of the Appropriations Committee will split the so-called financial pie according to the priorities as they list them. But I would like this House to go on record as prioritizing, if you will, the disease which afflicts so many people in this state, young and old, and I would urge that you resoundingly defeat the motion of indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This is a good day for me. I would

like to inform the lady from Freeport, Ms. Clark, who I admire and love a great deal, that I am a victim of arthritis. I am also a victim of cancerous lungs, emphysema. I have had a coronary which left me with angina. I have got paralysis of the spine, I have to go abroad to be treated for leukemia shortly. I have spent 412 nights in St. Mary's Hospital. I have been there 784 times for treatment, and if there is anybody that wants anything, any donation, see me, I will be delighted to put my hand in my pocket.

I am certainly not opposed to these programs, that is like being against motherhood. But I am just saying this, there have got to be other avenues somewhere along the line. There have got to be avenues where we can raise funds in other ways. We can't afford it on the local level, we can't afford it on the county level, and somewhere along the line we are going to have to say no on the state level. That is all I am talking about. I am not talking against programs that even myself am afflicted with.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am not speaking today as a member of leadership. But in response to the gentleman's remarks from Lewiston, I felt that I did want to point out that as an individual, having sat at the knee of the gentleman from Lewiston for two years on Appropriations, I feel that he must know that opposition to measures such as this has been exactly the feeling I have had. I had come to the conclusion that this body would find it impossible to say no to appeals of this nature.

I am going to support the gentleman from Lewiston, Mr. Biron, in his motion for indefinite postponement, basically on the grounds that he presented to you as the reason for the motion. I hope you will give it serious consideration because it is posing a problem that we are going to have to deal with eventually.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: One of the things I hoped wouldn't happen here this morning is what Ms. Clark had to say. That is not the intention of my motion. If we are to give \$30,000 to the Arthritis Foundation, and believe me, those people need \$30,000, but so does the March of Dimes, because the plea for the March of Dimes, and I can give it to you here in this House, and the plea for Cerebral Palsy, and I can give you that plea, and if you vote against it, you will feel pretty bad about it. I think at times, because if we were to take every one of these organizations, and there are several, several organizations, and they are all deserving of \$30,000, I don't see why we should give these people \$30,000 and not the March of Dimes and not Cerebral Palsy and not MS and not CP, obviously we are starting to discriminate as to where we are giving our money. Is it dependent on how many people in the House have arthritis — well, we will give it to arthritis this year, but next year it is going to depend on who has got leukemia or not. That is not the purpose of government, and that is what I am trying to impress upon you.

If Ms. Clark really believes in her goal as I believe in mine, she can raise \$30,000 through her efforts in the State of Maine. I have raised \$150,000 for the March of Dimes. The government never gave it to me. I think it is time that individuals, responsible people like yourself, people look up to you, and if you came to them and said, I have a goal, I have a purpose, you will get their support and you don't have to get it through government. That is what I am talking about. The taxpayers are not paying for us to expend money in this way. I love these people, and that is where I spend my time, and that is not the issue here. The issue is not the cause, the issue that we are talking about at this point

is, are we going to take the taxpayers' money? Okay, we have to provide education and we have to provide those other services that we have committed ourselves to and give it to an organization which we in government have recognized we do not tax. We give them some things that normal corporations don't have. Why is that? We recognize their need. I am not against any of these people, any of their needs, I am just saying that unfortunately we in government have got to stop some place.

I am sorry I have to be the guy to stand up and say that this is the time.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: Excuse me if I am a little disorganized, I didn't realize there was going to be debate on this issue. I was out talking with some of the former legislators from my area. I am not really sure where to begin.

This bill was heard by the Health and Institutional Services Committee, as reported out unanimous "ought to pass" with an amendment that we felt would clear things up a little bit.

There have been several issues raised here, and I think the issue that Representative Biron is getting to is probably a very valid issue in terms of beginning to prioritize, let's say, the money that we are going to be spending for various health problems, if we can deal with just that one area. The problem is that we don't have a system to prioritize so we have to deal with individual bills like this and we have to deal with these bills on their merit, not on any priority system. If we had say, a budget committee concept where we could deal with how many dollars we want to go to various health areas, then we could start setting priorities within that, but we don't have that so we have to deal with individual bills like this. So, to get up, I think, and say we have to start cutting here or there on this particular group is not a valid argument until we have an area where we can deal with all of the health areas.

We do give money; bills have passed here for CP, bills have passed here for various other groups. We spend millions of dollars a year for one group like mental retardation. We spend millions of dollars a year in mental health. We spend millions of dollars a year in other areas, developmental disabilities in autism, and a lot of these dollars filter on down to other programs such as the March of Dimes and other related areas. We have to deal with these bills individually. I think in doing that we should look at the merit of each bill and the merit of this bill is very good.

Thousands of people in this state suffer from arthritis. Thousands of taxpayers suffer from arthritis, people working for a living, and I think one of the biggest arguments we could use to pass this bill is the number of hours lost by workers because of arthritis. It can run into the area of hundreds of thousands of man hours each year. I think it is important for this state to start putting a little bit of its resources into studying this problem so that we can find out if there is anything we can do about it. There are hundreds and hundreds of children in this state who suffer from various forms of arthritis. They lose school days, they suffer throughout their childhood because of this. It could have a lot of effects in the future life in terms of their working life and just enjoying what this state has to offer.

I think in terms of priorities, we have to start looking at some of these bills that are going to help the taxpayers, and I think this is one that does it in the long run.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: L. D. 579 does not seek annual support but rather it is a one-time grant. Arthritis, yes, has long been the forgotten dis-

case, but now the federal government has begun to allocate limited funds to this problem.

A grant application filed by Medical Care Development would bring various significant changes in arthritis care in Maine and a decision on federal funding of that application would no doubt be affected favorably by passage of this application for \$30,000 before the Maine Legislature. What does the passage of this bill do? Very simply, it shows the State of Maine's concern for and commitment to arthritis problems is a matter of high priority.

Please review L. D. 579 and the Committee Amendment in your book and consider the impact that it would have on the constituents in your area. Your support could make the difference, and I urge you, respectfully urge you, to vote no on the pending motion.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just two or three points. One, you are going to be asked to vote for a tax increase in this legislature anyway, you want to shake it up and pour it out.

If we are going to start killing bills because they can't go on the table because of increased taxes, then let's clear the table now and kill everything that is there and start from scratch. You have an appropriation document that is going through here for the rest of the fiscal year that wants \$50,000 for a dog licensing program, and that is not going on the table — \$50,000 for a dog licensing program, so where do your priorities lie? Let's put this on the table and then find out where we are going to go and if we have to pass taxes and if we want to, we will and we will fund the priorities we have to. If we don't want to pass a tax increase, then we will kill everything that is on the table.

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 on the motion of the gentleman from Lewiston, Mr. Biron, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Biron, Birt, Brown, K. L.; Brown, K. C.; Carter, F.; Connors, Cunningham, Dudley, Dutremble, Fenlason, Garsoe, Huber, Immonen, LaPlante, Lewis, Lynch, MacEachern, Mackel, Marshall, Masterman, Peltier, Raymond, Smith, Sprowl, Stover, Teague, Torrey, Whittmore.

NAY — Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Blodgett, Boudreau, A.; Brennerman, Bustin, Byers, Carey, Carrier, Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hunter, Hutchings, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LeBlanc, Lizotte, Locke, Lougee, Mahany, Martin, A.; Masterton, Maxwell, McBrearty, McHenry, McKean, McMahan, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Shute, Silsby, Strout, Talbot, Tarbell, Tarr, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Aloupis, Ault, Boudreau, P.;

Bunker, Burns, Carroll, Carter, D.; Gauthier, Gray, Hughes, Jalbert, Littlefield, Lunt, Mills, Palmer, Peakes.

Yes, 29; No, 106; Absent, 16.

The SPEAKER: Twenty-nine having voted in the affirmative and one hundred six in the negative, with sixteen being absent, the motion does not prevail.

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

#### Passed to Be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure Tabled and Assigned

RESOLVE, Authorizing Robert J. Gilbert of Rumford to Bring Civil Action against an Agency of the State of Maine (S. P. 61) (L. D. 134) (C. "A" S-48)

On motion of Mr. Tierney of Lisbon Falls, tabled pending final passage and tomorrow assigned.

#### Passed to Be Enacted

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

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

#### Enactor

##### Tabled and Assigned

An Act to Transfer the Alcohol Treatment and Education Program of Operating under the Influence Offenders to the Department of Human Services (S. P. 130) (L. D. 310) (C. "A" S-45)

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

On motion of Mr. Connolly of Portland, tabled pending passage to be enacted and tomorrow assigned.

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

"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)

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.

#### Enactor

##### Tabled and Assigned

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

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

On motion of Mr. Higgins of Scarborough, tabled pending passage to be enacted and tomorrow assigned.

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to

be enacted, signed by the Speaker and sent to the Senate.

#### Enactor

##### Tabled and Assigned

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

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

On motion of Mr. Wilfong of Stow, tabled pending passage to be enacted and tomorrow assigned.

#### Finally Passed

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

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

At this point, the House recessed for the purpose of joining in "Welcome Back Day" ceremonies.

#### After Recess

12:15 p.m.

The House was called to order by the Speaker.

On motion of Mr. Jalbert of Lewiston, Adjourned until nine o'clock tomorrow morning.