

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

Friday, April 22, 1977

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

Prayer by Monsignor Charles M. Murphy of the Sacred Heart Catholic Church, Yarmouth.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

April 21, 1977

Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today Adhered to its action whereby it accepted the Majority Ought Not to Pass Report on Bill, "An Act Relating to Corporal Punishment", (H. P. 517) (L. D. 635).

Respectfully,
(Signed) MAY M. ROSS
Secretary of the Senate

The Communication was read and prdered placed on file.

The following Communication:
The Senate of Maine
Augusta

April 21, 1977

Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board" (S. P. 27) (L. D. 40):

Senators:
COLLINS of Knox
McNALLY of Hancock
PRAY of Penobscot.

Also, the President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Pertaining to License Fees for the Regulation of Certain Amusements" (H. P. 577) (L. D. 701):

Senators:
HEWES of Cumberland
CUMMINGS of Penobscot
CARPENTER of Aroostook

Respectfully,
(Signed) MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

**Reports of Committees
Leave to Withdraw**

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act Concerning Funding of Social Service Agencies and Nonprofit Corporations by Counties and Municipalities" (S. P. 298) (L. D. 924)

Came from the Senate with the Report read and accepted.

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

Ought to Pass in New Draft

Committee on Education on Bill "An Act to Revise the Maine Regional Library System" (S. P. 140) (L. D. 381) reporting "Ought to Pass" in New Draft under New Title Bill "An Act in Support of Regional Library Systems" (S. P. 462) (L. D. 1585)

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

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading Monday, April 25.

At this point, a message was received from the Senate, borne by the Majority Floor Leader, Senator Speers of Kennebec, proposing a Convention of both branches in the Hall of the House at 2:30 p.m. for the purpose of extending to his Excellency, Governor JAMES B. LONGLEY an invitation to attend the convention and make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 2:30 p.m. and the Speaker appointed Mr. Tierney of Lisbon Falls to convey a message to the Senate.

Subsequently, Mr. Tierney of Lisbon Falls, reported that he had delivered the message with which he was charged.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-70) on Bill "An Act Relating to Representation of State Employees under the State Employees Labor Relations Act" (S. P. 149) (L. D. 391)

Report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate

Messrs. BUSTIN of Augusta
LAFFIN of Westbrook
McHENRY of Madawaska
ELIAS of Madison
DUTREMBLE of Biddeford
FLANAGAN of Portland

Mrs. BEAULIEU of Portland — 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. McNALLY of Hancock
REDMOND of Somersset — of the Senate.

Mrs. TARR of Bridgton
Mr. PELTIER of Houlton
Mrs. LEWIS of Auburn — of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-70) Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-70) as amended by Senate Amendment "A" (S-81) thereto.

In the House: Reports were read.

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

Mr. BUSTIN: Mr. Speaker, I move that the House accept the Majority "Ought to pass" Report as amended by the Senate.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Peltier.

Mr. PELTIER: Mr. Speaker, Ladies and Gentlemen of the House: I voted "ought not to pass" on L.D. 391. Whether through the bargaining table or arbitration, this bill would make it necessary for all the employees in the group bargaining to pay an agency fee or be discharged. Dismissal of civil service employees can be for just cause only. Collective bargaining considers failure to pay dues a just cause.

Collective bargainiers have a good argument in that if you benefit, you should pay. That is a good argument. My purpose in speaking, however, is to say something in favor of the individuals who might think otherwise. Who is this individual who might join the ranks of the unemployed because of L.D. 391? He or she is probably a cross-section, carbon copy, of the

people in this legislature. We have all kinds. We have people who are independent, we have individualists, we have some people who are stubborn, we have some people who are contrary minded, and we have people who have been raised to stand on their own two feet, not afraid to disagree and probably listening to a different drummer. They could be fathers, mothers, grandparents and so forth.

I would hope that collective bargaining groups, being well organized, the good salesmen that they are, could successfully sell their program a hundred percent without coming to the legislature for help. It is a good thing in this legislature that we don't all have to agree, we don't have to shape up or ship out because we don't go along with the majority.

Let's cast a vote for the individual with a mind of his own.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: One of the continual questions that I have had asked of me since I was appointed House Chairman of the Committee on Labor was this — are there any right-to-work bills before the legislature this year? The answer that I have given them is, no, but there are some right-to-work issues, and this bill today is the first right-to-work issue that has come before this body.

Mr. Peltier, who is a very good member of my committee, I might add, who has a philosophical disagreement with the majority at this particular point on this bill, has inadvertently misrepresented what this bill does. He said that this bill would require people to pay union dues. That is not true. That is what the bill did. Not even the strongest labor advocates on our committee would sign that.

What the committee amendment says is that agency fee would be a negotiable subject between the unions and management. In other words, there could be no agency fee unless both parties agreed to it in a collective bargaining contract. That is a very important distinction.

Secondly, I would point out that the committee amendment is precisely the same language that the Maine Legislature passed into law in the collective bargaining law that governs the university employees. Now, the Senate Amendment on here adds a further exclusion of union shop. That is all right with us.

The legislature further mandated that there would be in state government a process called collective bargaining. We did that some time ago, but it is really just starting now. In fact, during these weeks, there are two important elections in two very large units. Once the elections have taken place and a bargaining agent is certified, then the bargaining starts. So everyone in a unit, or every employee, must be a member of a unit. Every employee will get whatever benefits accrue to the unit, whatever is negotiated on their behalf by the unions will go to every employee, regardless of membership. All this bill says is that they may negotiate whether non-members should be required to pay an agency fee, or a fee for services rendered by the employee organization.

I would hope that the House this morning concur with the other body and adopt this "ought to pass" report, and I think this is worth the yeas and nays, Mr. Speaker, and I so move.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Houlton, Mr. Peltier, has indeed not misled you. He has stated the question that you should be considering this afternoon as you vote on this.

The amendments that have been put on might lead you to believe, as the gentleman from Augusta, Mr. Bustin, would have you believe, that this then puts it out to a friendly agreement between the parties that they will freely

negotiate. But I would remind you that when disagreements occur between the friendly parties at the negotiating table, they utilize the services of an arbitrator. You may or may not accept my word for it, but I will tell you that arbitrators have a penchant for inserting language such as this in the contracts and it then becomes binding on the employer. So the amendments do nothing in my mind to make this any less desirable than it was, ladies and gentlemen, when this legislature took this language from the original bill. I would like to think it was taken out because it was repugnant to this body to say that as a condition of employment, state employees would be forced to pay fees of any kind to any organization.

This language also flies in the face of a stricture in the present bargaining law that says no one will coerce or intimidate an employee in the free exercise of his right voluntarily to become a member of a union.

I would just like to bring you back to Mr. Peltier's words. I think he has stated the issue fairly and squarely, and to me this is another downward step in the merit system that says that the retention and promotion of state employees shall be on merit. This, no matter how it is coated, has the potential to lead to the discharge of a state employee because for whatever reason he chooses not to make a payment to a union.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I don't think this legislature, nor the last, can really be very proud with the way that we have treated our state employees. I think we have all heard and we all know that morale among our state employees is probably lower now than it has ever been. We know that the collective bargaining hope that the 106th Legislature held out for state employees seems to be coming less of a reality.

I am not surprised that the good gentleman from Cumberland, Mr. Garsoe, would take this position, not surprised at all, because the good gentleman wasn't in favor of collective bargaining for state employees in the first place. The good gentleman was one of the individuals who sold the merit pay plan to the 106th Legislature last time. The good gentleman was the one who moved indefinite postponement of the minimum wage law increase last session of the legislature. I am not surprised at all that the good gentleman would continue his consistency in opposing this bill. But I ask if you want to help the state employees, this is a way that we can in the long run do it.

As the good gentleman from Augusta, Mr. Bustin, pointed out so well, this right already exists for our university employees under the collective bargaining law. In a sense, we are discriminating against our state employees because we have already given to the university employees something we are not giving them, and above all, I feel that our collective bargaining law dealing with both the university and with state employees should be consistent, we should not deprive this benefit to our state employees.

I guess the most substantive issue comes back to an issue which has been debated in this House certainly since the Taft-Hartley Law was enacted in 1947, it has been an act debated with great consistency.

By law, any member of a collective bargaining unit will get the benefits from the collective bargaining agreement, whether or not they are in a labor organization or whether or not they pay an agency fee or whether they pay anything in.

If the good gentleman from Cumberland were willing to get up and say, well, anyone who doesn't pay his dues won't get the raise, well, then I might buy this, I might buy right-to-work

under those considerations. In other words, if you don't pay the dues into the organization, if you don't pay some type of fee to pay for the negotiation, then you don't get the raise, that is fair enough. But that isn't what the law is; that is not what the law is, ladies and gentlemen. The way the law is on the books right now, a person doesn't have to pay anything, doesn't have to pay one plug nickel to pay for the overhead costs of negotiating a contract, but when the contract is negotiated and the benefits start rolling in, increased pay, increased pension, increased retirement, increased health care, they are there with their hands out then.

I think you see the implications of this bill. It is a good bill. We have to remove the discrimination against our state employees and, ladies and gentlemen, we don't have much money for them this time, I think that is clear, at least we can give them a chance to have meaningful collective bargaining. I hope we join with the Senate and accept the "ought not to pass" report.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill does discriminate against state employees. It would say that a state employee who belongs to one union would have to pay dues to the union that is the chief bargaining agent, and in many cases, the union dues are really too expensive for some people to have to pay both unions. This is exactly what this bill would say. They would have no freedom of choice whatsoever. They would have to pay the dues of the chief bargaining agent, and I call that very discriminatory against union people.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Having belonged to a labor organization for quite a few years and involved in some phases of negotiation, I have always thought this is one of the problems that might bother me, that if you did have a completely right-to-work law, the people who do get the benefits would not have to make any contribution.

Frankly, this is about the same type of program that I have worked under all my life. I think it has worked successfully in my own experience, and I do feel that the passage of this would be a good bill, it would at least require the people who get some of the benefits to have to make some contribution to the negotiations to obtain these benefits. I will support its passage.

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

Mrs. TARR: Mr. Speaker and Members of the House: Regarding this amendment that would allow this to be a negotiable item in bargaining, this has also been appealed on a constitutional question and it has been heard before the U.S. Supreme Court.

I also feel that these people, if they want to belong to a union, should have the right to do so or the right not to do so. I also think there are people in some instances that it could be against their religious convictions to pay their dues to a labor union. I also think that this is going to be a big step if you start forcing people. We have talked here about free enterprise, we have talked here about a lot of freedoms for people this session, but believe me, when this is passed, you are coercing, you are forcing, no matter what the language, and I didn't see the amendment, but since I believe fully in what my chairman says, I can assume that he is right. That is probably why I signed the "ought not to pass" report.

I wish you would give this your serious consideration. Bargaining has just barely started. I think there are just a couple of units that are starting to bargain, the state police. We are

changing the rules before we have even given it a chance to work. I asked the question, how many people now are in this position not paying an agency fee, and I couldn't get an answer. I don't know if there are five, ten or a hundred, so I would urge you to accept the "ought not to pass" report.

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

Mr. BOUDREAU: Mr. Speaker, a question through the Chair. If the union security clause is inserted in the contract as a result of binding arbitration, could this be just cause for an employee to be fired, if they refuse to pay the dues?

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

The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, I would be glad to respond to the question.

May I first say, in response to the remarks of the gentlewoman from Bridgton, Mrs. Tarr, she is not half as bad a committee member as I thought she was going to be when she first came down to the office there, and she does sometimes sign reports just because my name was on the other side, but most of the time she is looking at them very carefully, unfortunately, misguided on this measure.

The answer to the question posed by the gentleman from Waterville, Mr. Boudreau, is essentially in the affirmative, but I would hasten to point out that Mrs. Tarr has missed the point, and it is a fine point and she probably really doesn't care, and Mr. Garsoe has missed the point, and he doesn't care about it, I know that, it is not a matter of payment of union dues we are talking about. That is a union's shop, and that is excluded under Senate Amendment "A." If there weren't any difference, it wouldn't have been excluded under Senate Amendment "A." An agency fee is an amount of money, not union dues, an amount of money which is paid to the bargaining agent for the services rendered. And that, Mr. Boudreau, would have to be paid, to answer your question.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank the Majority Floor Leader for outlining my distinguished record in this body and point out that I will stand behind it any day, and I would like to have you, sir, take a look at some of the remarks I made at the time. I was mainly trying to see that this collective bargaining business didn't come into state employment.

As to the question of the gentleman from Waterville, Representative Bustin, the gentleman from Augusta, has answered it correctly, and I think you ought to think about that. The only way that the discipline for making these payments could be maintained is to fire the individual if he will not agree to have it deducted, and that is the only way it can be negotiated and mean anything. I think the record will also show that I did use the word "fee" and not union dues, but no matter how you sugar coat this pill, it is still a matter that is going to be inconsistent with the stated intention of collective bargaining, that no one is to coerce an individual in his voluntary exercise of this right, and I suggest that the gentleman in the other corner is attempting to portray me as one against employees. I submit that his posture is directly opposed to the benefit of employees and is placed behind the issue of union security.

I will just bring you back to Mr. Peltier's words that the unions should be out there selling its services and maintaining its membership on the basis that they are doing something for the employees, not to have them in a dragnet subject to this fee system, willy-nilly.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that the Majority "Ought to pass" Report be accepted in concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dudley, Dutremble, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hickey, Howe, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Lynch, MacEachern, Mahany, Maxwell, McHenry, McKean, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Plourde, Post, Prescott, Quinn, Raymond, Shute, Spencer, Stover, Stubbs, Talbot, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Berry, Boudreau, P.; Brown, K. L.; Bunker, Byers, Carter, F.; Connors, Cunningham, Dexter, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Lewis, Lougee, Mackel, Marshall, Masterman, Masterton, McBreairey, McMahan, McPherson, Palmer, Peltier, Perkins, Peterson, Rideout, Rollins, Silsby, Smith, Sprowl, Strout, Tarbell, Tarr, Torrey, Whittemore.

ABSENT Burns, Carrier, Devoe, Gauthier, Gillis, Gould, Green, Hobbins, Hughes, Jacques, Jalbert, LeBlanc, Littlefield, Lizotte, Lunt, Martin, A.; Peakes, Tyndale.

Yes, 86; No, 47; Absent, 18.

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

Thereupon, the Bill was read once. Committee Amendment "A" (S-70) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-81) was read by the Clerk and adopted. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted. The Bill was assigned for second reading the next legislative day.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Speers of Kennebec, it was

ORDERED, that a Committee be appointed to wait upon his Excellency Governor James B. Longley, and inform him that the two branches of the Legislature were in convention assembled and ready to receive such communication as he may be pleased to make.

The Chairman appointed:

Senators:

MORRELL of Cumberland

COLLINS of Aroostook

CARPENTER of Aroostook

Representatives:

LYNCH of Livermore Falls

CONNOLLY of Portland
MITCHELL of Vassalboro
BEAULIEU of Portland
WYMAN of Pittsfield
LEWIS of Auburn
BAGLEY of Winthrop
FENLASON of Danforth
BIRT of East Millinocket
PLOURDE of Fort Kent

Subsequently, Senator Morrell for the Committee reported that the Committee had attended to the duty assigned to it and that the Governor was pleased to say that he would forthwith attend the Convention.

At this point, Governor James B. Longley entered the Convention amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Reverend Father, Members of the 108th Maine Legislature:

I deeply appreciate this opportunity to visit with you today because I want you to know I respect your time and the fact that many of you will be traveling long distances to get home to your families tonight. Therefore, in the interests of time, I want you to know very briefly how we have spent practically every free moment since you passed L. D. 1252 and what we have concluded as it relates to the budget we submitted previously:

(1) As you are undoubtedly aware, it adversely impacts on our budget, particularly in the area of people programs designed to help people most in need.

(2) It provides for the family of Maine with most of the entire available pie of dollars for only two places at the table and unfortunately they are not the plates of people in need.

(3) It leaves the other plates at the table depending on what little is left.

Therefore, we have made every attempt possible to find dollars in our budget to do what the legislature wants to do and what your governor is trying to do and very candidly, in order that we could ver hopefully end up with the best possible use of dollars without a tax increase for the people of Maine.

However, we have reached the conclusion that our budget as submitted was indeed a tight budget and that the people programs we feel are needed by the people of Maine cannot be accomplished unless this legislature and this governor can come together to meet those objectives. Furthermore, unless we come together to the maximum extent possible in the weeks ahead in order to do everything possible to make certain the will of the people is the highest priority rather than the will of the legislature or the will of the governor, then the very people in need could be in even greater need.

Therefore, my purpose in asking to address you today is not to ask this body to sustain my veto of any bill, my purpose is to plead with this body to approve a Part II Budget which includes our mutual priorities without a tax increase. My purpose in appearing before you today is to pledge to you my fullest cooperation in meeting that goal, whether or not any veto or any bill is sustained or overridden, and in this regard, (1) I would like to discuss with you what we feel is a fair approach which I feel can be taken in order to meet the needs of this state and, (2) I would like to discuss with you our commitments and compromises in order to have a necessary and responsible Part II Budget approved without a tax increase and still try to continue to compromise and cooperate with this legislative body. The needs of the state at this time, I feel that it is the real needs of the people in need that must be our very top priority.

I simply want to plead with this Legislature to at least give some vital human service programs for the elderly and others and critical

part two programs such as aid to the mentally retarded youngsters at Pineland an opportunity to be approved without a tax increase. That is my main reason for being here today. I am asking for a fairer and larger piece of the pie for our elderly citizens and our retarded and our needy students. I also would hope that this Legislature and this governor could show that we do care and do want to provide hope and consideration and some relief for at least 320,000 households in Maine. I assume the responsibility for not adequately communicating to the legislature why I feel it is important to give Maine people \$6 million in tax relief or tax reductions in the form of a sales tax exemption on residential electricity and gas. I think it is vitally important because at the very least it offers a ray of hope to people that government can give instead of always taking away. Although the amounts of money involved may not seem large to the wealthy and the corporations, I say to you that it is not that small to some families in this state and that, at the very least, we can give back a little hope, as well as some dollars.

I know that it has been said parenthetically that money isn't important and I will add, providing you have lots of it and so for any one of us to say that \$7 or \$8 is not important to 320,000 households in this state representing directly or indirectly 500, 600 or even 700 citizens of Maine is to say that we are not concerned and I know you are. So, up until today at least, I assume the responsibility for the failure to communicate, not only the importance of these dollars but the importance of returning faith and confidence to government. The government is here and, yes, you and me, we are here to try to bring back, try to return, some hope as well as some dollars to people and not only to continue to take away from people.

However, I do not come before this Legislature with do or die programs. I merely come before this body asking that we approve necessary part two programs without a tax increase.

I believe we owe this to the people of Maine.

Our request is a simple one. We ask that the Legislature consider adopting a total people's package, based on our mutual priorities, that will enable us to meet some human needs and part two programs without having these vital programs pitted against a tax increase.

To accomplish this goal we are willing to:

(1) carry forward with a commitment we made in a previous compromise proposal to this Legislature to find an additional \$4 million in surplus, balances and/or cost savings to fund these human need programs.

(2) we also would agree with the Legislature to leaving the corporate income tax at its present level to generate \$4 million additional dollars which had not been forecast in our original budget.

(3) after a close re-examination of our proposed budget the past few days, we believe necessary part two programs can be passed without a tax increase by utilization of these dollars and by reducing education funding by 1.4 percent or from \$290.6 million to \$286 million the first year of the biennium and from \$319 million to \$315 million the second year. These funds coupled with an educational funding level of \$286 million would put the state's projected financial position as it was prior to the Legislature's decision to set the uniform property tax mill rate at 11.5 mills and to reimburse the municipalities at levels of \$10 million and \$8.5 million for the fiscal years 1978 and 1979 respectively.

We are convinced that this is a small decrease that can be absorbed more easily by education which many people feel is already receiving a disproportionate share of our tax dollars than a tax increase could be absorbed by the people of

Maine, who receive only a much smaller percentage.

The education reduction we are proposing represents less than 1.4 percent of the original allocation approved by this body. At the very least, it gives towns and cities in this state an opportunity to decide for themselves whether they want to spend that additional 1.4 percent and it will prevent us from dictating taxes in Augusta.

Although I have deep philosophical differences with the Legislature on who should be the beneficiaries of our commitment on the plan it devised for reimbursement of the inventory tax, I am not asking the Legislature to reopen that debate. While I feel strongly that we had a far greater commitment to the people of Maine than we did to local elected and appointed officials, I will respect and abide by the decision the Legislature has made on that matter.

However, as I said at the beginning, my primary purpose in asking to appear before this body today was to plead with this Legislature to approve a responsible part two budget without a tax increase.

If this Legislature chooses to override my veto of L. D. 1252, I will respect that decision. I want this Legislature to know what we are willing to do to avoid a tax increase, regardless of whether the veto is overridden or sustained:

(1) We will continue to keep the commitments I outlined previously and find the additional \$4 million in cost savings and/or balances.

(2) We have already been successful in identifying approximately \$1 million of additional balances in the Department of Educational and Cultural Services and we are taking every initiative possible to identify dollars recovered and saved in other areas of government to increase the amount of funds available before this Legislature adjourns.

(3) We commit to submitting to this Legislature a priority list of our part two programs with detailed justification for each and every one.

(4) I also at this time commit my staff to working with the Legislative staff to conduct a total and complete review of our budget with an eye to further establishing priorities and identifying available dollars.

In the final analysis, all we are trying to do and pleading with this legislature to do is to make certain people in need are helped and that funding for the people programs be set aside in order that we can meet human needs and fund necessary part two programs without a tax increase.

I have not specifically addressed state employees or the university in this proposal. First of all, we have given state employees the collective bargaining rights they wanted and now have. The funding of merit increments and the procedures for granting or denying increases should be addressed in this bargaining process as state employees requested and a previous legislature granted to the extent the state employees lobbied and the legislature agreed that collective bargaining and not bargaining with the legislature was the approach state employees wanted.

We gave it to them and we should insist they stand by that collective bargaining agreement every bit as much as the law requires us to live with it and honor it. The new plan which provides for true merit and not automatic annual increments has only been in effect since last November 1st and needs more time if it is to receive a fair trial and be administered equitably to all state employees. At the very least, we will be able to address merit plus state employees pay after January 1st only to the extent collective bargaining, as agreed, has failed to resolve their questions by January 1st. But based on the law and the progress, I have

every hope collective bargaining will have moved forward by January 1st and if not, we could then take appropriate action at that time.

As it relates to the university, while I feel the chancellor and trustees are making progress, I do not feel the university has done as much as this legislature and state government as a whole to get its own house in order and practice fiscal responsibility. However, if the legislature feels it has to do more in this area, I will respect that decision.

We have proposed the appropriation of \$1.5 million for a voucher plan that would give direct scholarship aid to deserving students. We feel this plan . . . which would give 100 percent benefits directly to the student . . . is more preferable than funneling additional dollars at this time through the university bureaucracy and hoping some crumbs would funnel through to needy students. However, if the legislature in the final analysis wants to take this away from the needy students and feels that the university itself is more deserving, then I would not oppose this amount of money being allocated to the university, even though I feel needy students are more deserving.

All I am asking, now that the legislature has decided it has a firm commitment primarily to the larger cities on the inventory tax, is that we examine our total needs and that we stop the piecemeal approach and that we not dictate and force the people of Maine to unnecessarily pay higher taxes for necessary part two programs.

I still feel that our original budget proposal and the compromises we have already made, represented the fairest possible plan for all the people of Maine. I believe we have taken every step possible to remove pressure from the legislature and to cooperate in every way possible. However, I feel I would not be doing my duty if I went along without at least a final plea for the elderly and the students and the retarded and people in need with a plea that also recognizes the sad plight of the taxpayers of Maine to the extent we do everything possible to avoid any further tax burden or tax increase on the people of Maine.

Now, all I am asking in return is that we approve all the human service and part two programs we possibly can without including them in a pork-barrel package that is tied to a tax increase that I would have to veto.

I do not make this request on behalf of Jim Longley as governor, or on behalf of the executive branch of government. I feel I make it on behalf of the overwhelming majority of the people of the State of Maine who do not have professional lobbyists to represent them in Augusta. You and I have to represent them and I think we can go a long way toward restoring much faith and confidence in the government here in Maine, if, in this instance, we approve necessary and critical items in the remainder of the budget without a tax increase.

Mr. President, Mr. Speaker and members of this honorable body, I feel we have a deep commitment to the people of Maine to avoid a tax increase and the plan I have presented to you, I feel, will help us accomplish this goal. I hope it will also be the goal of this legislature.

In the final analysis, I only ask the legislature to consider what we have suggested over the weekend. The voices of the Maine Municipal Association and the education lobby have been heard. I only ask that the taxpayers of Maine be given opportunity to have their views expressed before this major decision is finalized. I would only hope the educational spenders and the elected and appointed officials in Maine will allow the average person on the streets and in the mills of Maine to express themselves these next few days or at the very least allow you legislators a peaceful weekend to contemplate and consider what is the fairest division of the pie of dollars we have to distribute for the benefit of all people of Maine, including the

elderly and the retarded and the needy students, as well as education and businesses with inventories.

Again, I am deeply appreciative of the opportunity to express my feelings personally to this body and I beg your careful consideration.

Thank you very much.

At the conclusion of the address, the Governor withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved.

The Senate then retired to its Chamber, amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State" (S. P. 201) (L. D. 599)

Report was signed by the following members:

Mr. LEVINE of Kennebec
LOVELL of York
DANTON of York

-of the Senate

Mr. LIZOTTE of Biddeford
MAXWELL of Jay
RAYMOND of Lewiston
CONNERS of Franklin
TWITCHELL of Norway
IMMONEN of West Paris
GRAY of Rockland
JACQUES of Lewiston

-of the House

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Lower the Retail Price of Alcoholic Beverages Throughout the State to Equal the Price at Kittery" (S. P. 466) (L. D. 1638)

Report was signed by the following members:

Mr. NADEAU of Sanford
MARSHALL of Millinocket

-of the House

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

In the House: Reports were read.

Mr. Maxwell of Jay moved that the Majority "Ought Not to Pass" Report be accepted in non-concurrence.

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

Mr. NADEAU: Mrs. Speaker, Ladies and Gentlemen of the House: It seems like I am always on the minority on these reports. I guess this afternoon is as good day as any to speak about liquor prices.

As you remember, about a month ago, I had one dealing with the Sanford Liquor Store, and many of you expressed concern that you would like to have reduced prices all through the state. Well, you have got it now, new draft number 1638. It would reduce the liquor prices in all the State of Maine. If you look under subsection 451, consumer's tax, we have a little over 30 percent figure there which would prohibit us from lowering below 30 percent and thus avoid a price liquor war with New Hampshire. I am sure they would love that. But all the objections that stemmed before in my Sanford bill would have been fine and simple just for that one. You wanted them all and you have got it.

The gentleman from Bangor, Mr. Kelleher, said he wanted one in Bangor. Here is his

chance. The gentleman from Blue Hill, Mr. Perkins, can have one too, and this would affect all the liquor stores in the State of Maine.

I know it has quite a price tag on it and would probably die on the Appropriations Table anyway, but I will let the rest of you have your piece on it, but I am just saying, here it is, if you want it, vote for it.

The SPEAKER: The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that the Majority "Ought not to pass" Report be accepted in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Nadeau of Sanford 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 Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to direct a question to anyone who may be able to answer it. Could anyone tell me what the loss of revenue would be if this bill is adopted.

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

The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, I am told that it would be over \$9 million.

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

Mr. GRAY: MR. Speaker, Men and Women of the House: As Mr. Maxwell indicated, this bill would result in a revenue loss of \$9 million.

Reference was made the other day to bills that pass the straight-face test. I would like to go over some of the implications that this bill would have. How can we vote, if we have to, to raise taxes later on and today vote away \$9 million in revenue with a straight face? How can we turn down social programs for lack of money with a straight face? How can we reject pay raises for state employees with a straight face? How can we justify a \$9 million discount in part to the restaurants, bars and summer tourists with a straight face?

The Statement of Fact says that the lower prices are likely to result in more sales. I can't buy that theory. Our limited population can consume only so much alcohol. Our tourist season, for the most part, is just four months, so any increase in sales would be minimal.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman that it doesn't make any difference if this motion is accepted.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: When this first came before our committee, there were quite a lot of reservations about it. The loss of revenue was anticipated between four and nine million. However, due to the philosophy promoted by the sponsor of this piece of legislation, the thought was that the amount of liquor that traffics over to New Hampshire would compensate for this. It is a questionable thing and I voted this "ought to pass." I have since reconsidered and will now move for its "ought not to pass." I do not believe that we can at this point in time take a chance on a loss of revenue in regard to

the spending needs that we have come up against.

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

ROLL CALL

YEA — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Boudreau, A.; Brenerman, Brown, K. C., Bustin, Byers, Carey, Carroll, Carter, F.; Chonko, Churchill, Conners, Cox, Cunningham, Curran, Dexter, Diamond, Dow, Drinkwater, Dudley, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Goodwin, K.; Gray, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Lougee, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterton, Maxwell, McBreairty, McKean, McMahon, Mills, Mitchell, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Silsby, Smith, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Aloupis, Blodgett, Boudreau, P.; Brown, K. L.; Burns, Carter, D.; Connolly, Cote, Davies, Durgin, Dutremble, Goodwin, H.; Greenlaw, Kany, Kelleher, Lewis, Masterman, McHenry, McPherson, Moody, Morton, Nadeau, Palmer, Prescott, Rollins, Shute, Spencer, Sprowl, Tarbell, Truman.

ABSENT — Bunker, Carrier, Clark, Devoe, Gauthier, Gillis, Gould, Green, Hobbins, Hughes, Jalbert, LeBlanc, Littlefield, Lizotte, Lunt, Martin, A.; Norris, Twitchell, Tyndale.

Yes, 101; No, 30; Absent, 19.

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

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Relating to General Assistance Payments for Home Heating Fuel" (H. P. 1417) (L. D. 1617) which was referred to the Committee on Health and Institutional Services in the House on April 14, 1977.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: On motion of Mr. Goodwin of South Berwick, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Prohibit the Use of Offensive Names for Geographic Features and Other Places Within the State of Maine" (H. P. 1418) (L. D. 1661) which was referred to the Committee on Human Resources in the House on April 14, 1977.

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

In the House: On motion of Mr. Talbot of Portland, the House voted to recede and concur.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Clarify the Authority of the Board of Registration in Medicine to Conduct Programs of Medical Education" (H. P. 1349) (L. D. 1621) which was referred to the Committee on Health and Institutional Services in the House on April 13, 1977.

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

In the House: On motion of Mr. Goodwin of

South Berwick, tabled pending further consideration and specially assigned for Monday, April 25.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Increase the Penalties for Violation of State Antitrust Laws" (H. P. 273) (L. D. 347) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-163) Report from the Committee on Judiciary was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-163) in the House on April 20, 1977.

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

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and specially assigned for Monday, April 25.

Petitions, Bills and Resolves Requiring Reference

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

Business Legislation

Bill "An Act Relating to Charitable Solicitations" (H. P. 1451) (Presented by Mrs. Trafton of Auburn) (Cosponsor: Mr. Palmer of Nobleboro)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Expand the Borrowing Capacity of Private Post-secondary Educational Institutions" (H. P. 1452) (Presented by Mr. Wood of Sanford)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Establish Long-term Foster Care" (H. P. 1453) (Presented by Mrs. Trafton of Auburn) (Cosponsor: Mr. Kerry of Old Orchard Beach)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Establish a Fund to Insure the Safe and Proper Decommissioning of Nuclear Energy Generating Facilities" (H. P. 1454) (Presented by Mr. Greenlaw of Stonington) (Cosponsors: Mr. Davies of Orono, Miss Brown of Bethel)

(Ordered Printed)

Sent up for concurrence.

Orders

A Joint Resolution (H. P. 1455) in memory of Clarence I. Keegan, Sr., of Presque Isle, a Greatly Admired and Respected Educator Presented by Mr. Smith of Mars Hill. (Cosponsor: Mr. Peterson of Caribou)

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Louis Jalbert of Lewiston be excused for the duration of his illness.

House Reports of Committees Ought Not to Pass

Mr. Carey from the Committee on Taxation on Bill "An Act to Establish a Business Privilege Tax in Maine" (Emergency) (H. P. 1061) (L. D. 1327) reporting "Ought Not to Pass"

Mr. Fenlason from the Committee on Education on Bill "An Act to Remove Interscholastic Athletic Activities from the Operating Expen-

ditures of the Education Budget" (Emergency) (H. P. 969) (L. D. 1166) 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. Joyce from the Committee on Legal Affairs on Bill "An Act Relating to the Use of Governmental Records by the Attorney General" (H. P. 986) (L. D. 1197) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Taxation on Bill "An Act to Discourage Land Speculation by Imposition of a Tax on Gains from the Sale of Land" (H. P. 729) (L. D. 942) reporting "Leave to Withdraw"

Mr. Cox from the Committee on Taxation on Bill "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax" (H. P. 304) (L. D. 359) reporting "Leave to Withdraw"

Mrs. Lewis from the Committee on Education on Bill "An Act to Clarify Transportation Reimbursement to Local School Systems" (Emergency) (H. P. 809) (L. D. 984) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Referred to Committee on Human Resources

Mrs. Berube from the Committee on Performance Audit on Bill "An Act to Require an Annual Adjustment in the Standards of Need for Families Receiving Aid to Dependent Children" (H. P. 1124) (L. D. 1342) reporting that it be referred to the Committee on Human Resources.

Mrs. Berube from the Committee on Performance Audit on Bill "An Act Concerning Reimbursement to Municipalities for Certain Public Assistance Provided to Aid to Dependent Children Applicants" (H. P. 1178) (L. D. 1406) reporting that it be referred to the Committee on Human Resources.

Reports were read and accepted, the Bills referred to the Committee on Human Resources and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Kelleher from the Committee on Public Utilities on Bill "An Act to Dissolve the Lincoln Sanitary District" (H. P. 947) (L. D. 1142) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize the Transfer of All Assets and Liabilities Except Bonds and Notes, of the Lincoln Sanitary District to the Town of Lincoln and the Dissolution of the Lincoln Sanitary District" (H. P. 1450) (L. D. 1679)

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

Ought to Pass Tabled and Assigned

Mrs. Chonko from the Committee on Taxation on Bill "An Act to Expedite the Collection of Sales Tax on the Rental of Automobiles" (H. P. 600) (L. D. 725) reporting "Ought to Pass"

Report was read and accepted and the Bill read once.

(On motion of Mr. Quinn of Gorham, tabled pending second reading and specially assigned for Monday, April 25.)

Recommitted to the Committee on Taxation

Mr. Carey from the Committee on Taxation on Bill "An Act Concerning an Exemption from the Real Estate Transfer Tax" (H. P. 390) (L. D. 479) reporting "Ought to Pass"

Report was read.
(On motion of Mr. Carey of Waterville, the

Bill was recommitted to the Committee on Taxation and sent up for concurrence.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Election Laws on RESOLVE, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections (H. P. 427) (L. D. 535) reporting "Ought to Pass" in New Draft (H. P. 1449) (L. D. 1675)

Report was signed by the following members:

Mr. DANTON of York — of the Senate.

Mr. BOUDREAU of Waterville

Mrs. DURGIN of Kittery

Mrs. BOUDREAU of Portland

Messrs. BIRT of East Millinocket

McMAHON of Kennebunk

TRUMAN of Biddeford

— of the House.

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

Report was signed by the following members:

Messrs. KATZ of Kennebec

TROTZKY of Penobscot

— of the Senate.

Messrs. BUSTIN of Augusta

TALBOT of Portland

Mrs. MITCHELL of Vassalboro

Mr. RAYMOND of Lewiston

— of the House.

Reports were read.

(On motion of Mrs. Boudreau of Portland, tabled pending acceptance of either Report and specially assigned for Tuesday, April 26.)

Divided Report

Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought to Pass" on Bill "An Act Relating to Political Fundraising by State Employees" (H. P. 453) (L. D. 558)

Report was signed by the following members:

Messrs. KATZ of Kennebec

DANTON of York

— of the Senate.

Mrs. BOUDREAU of Portland

Messrs. TRUMAN of Biddeford

BOUDREAU of Waterville

McMAHON of Kennebunk

Mrs. MITCHELL of Vassalboro

Messrs. TALBOT of Portland

RAYMOND of Lewiston

BIRT of East Millinocket

Mrs. DURGIN of Kittery

Mr. BUSTIN of Augusta

— 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. TROTZKY of Penobscot

— of the Senate.

Reports were read.

(On motion of Mrs. Boudreau of Portland, tabled pending acceptance of either report and specially assigned for Monday, April 25.)

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-182) on Bill "An Act to Equalize the Registration Fee on Dogs" (H. P. 509) (L. D. 628)

Report was signed by the following members:

Messrs. LEVINE of Kennebec

JACKSON of Cumberland

— of the Senate.

Messrs. TORREY of Poland

STROUT of Corinth

SMITH of Mars Hill
MAHANY of Easton
TOZIER of Unity
LOUGEE of Island Falls
WOOD of Sanford
HALL of Sangerville

— of the House.

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

Report was signed by the following members:

Mr. HICHENS of York

— of the Senate.

Messrs. ROLLINS of Dixfield

CARROLL of Limerick

— of the House.

Reports were read.

On motion of Mr. Mahany of Easton, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-182) was read by the Clerk and adopted, and the Bill assigned for second reading the next legislative day.

Divided Report

Report A of Committee on Public Utilities reporting "Ought to Pass" on Bill "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls" (H. P. 1047) (L. D. 1258)

Report was signed by the following members:

Mr. CARPENTER of Aroostook

— of the Senate

Messrs. KELLEHER of Bangor

McHENRY of Madawaska

WOOD of Sanford

PEARSON of Old Town

NADEAU of Sanford

— of the House

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

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot

Mr. COLLINS of Aroostook

— of the Senate

Mrs. TARR of Bridgton

Messrs. CUNNINGHAM of New Gloucester

BERRY of Buxton

SMITH of Mars Hill

— 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 Report A, "Ought to Pass."

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I have to defend the "ought not to pass" report because we have had a lot of legislation introduced in Public Utilities Committee this year which was introduced for the benefit of the commission. We want to expand the powers of the commission, we want to fulfill many, many requests of the Public Utilities Commission. I would like to point out to this body that the commission was in favor of this bill not passing. Therefore, I, on the "ought not to pass" side, am finally on the side of the commission. I would just like to point this out.

I would urge that we defeat the "ought to pass" report so that we can do as the commission asks on this particular bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House I think each and every member of this House understands this L. D. that is before us this afternoon. I believe that the subscribers to the New England Tel and Tel,

may have been misled at one time, took it for granted that this is a service that the company extends to its subscribers. The question was asked to the representative of the company, what type of money would be generated if, in fact, this type of legislation failed to pass and become law and if, in fact, the utility commission itself was willing to accept their request, and we are talking about a \$1.6 million earnings for the company. One of the arguments from the New England Tel and Tel was that 20 percent of the subscribers take up 80 percent of the time in directory assistance, and I might note that I, as an individual, may not for 8 or 10 months ever ask the telephone company for assistance but I might, because of needing help, call them for five or six or ten times in one month.

The commission, I know, disagrees with this because now the commission feels that because of their philosophical approach in dealing with the utilities or dealing with this subject matter, they may — and I have not real proof to say — but they may in fact disallow these types of requests.

As I stated yesterday, this is one of several bills that will be becoming before this House and the other body attempting to give the Public Utilities Commission some direction on how we as legislators, representing a vast majority of the people in Maine, representing their feelings, in dealing with the Public Utilities Commission.

I would urge the House to accept this bill because if we don't, we may be in a position of indicating through the commission that in fact this legislature would approve these types of rate increases, what I would call, the in-run-approach.

There are a number of existing rules and regulations that are down in the PUC and I hope before this session is over that this body and the other body will make them law and put them on statutes, not to be just sitting there at the discretion of the commission. This bill, I believe, offers us what we take for granted, and I think we should, in terms of some kind of assistance from the New England Tel and Tel in handling its subscribers.

I would urge the House to support Report A.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to draw a parallel for you, if I could, as best I can articulate it, and that is, if you go into a store to purchase an item and you walk into the store and you don't see it right off and you say to the clerk behind the counter, do you have this item, and the clerk would say, yes, we have it or, no, we don't. You are not charged for that service. It is the same if you call on the telephone and you say to the operator, do you have the number for Mrs. Jones in Westfield? The operator might say, yes, we do or, no, we don't. What the New England Telephone Co. is proposing to do is charge you for a service that you are not going to receive. I think this is a reasonable bill.

You know some numbers in the telephone directory are unlisted, I mean the telephone company has unlisted numbers, some of them are available if you call. Those people who have unlisted numbers can opt to have it unavailable for anybody or, if you ask the operator, you can get the number. Now, you have to pay for that service to be unlisted and now they are going to charge you for asking for that unlisted number, so it is sort of a double payment. The guy who has his name listed pays to be unlisted and then you have to pay to get the number of the unlisted person. I think this is a people's bill and I hope you will vote for it.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think the com-

ments that were just made should indicate to you the need, I think, for more education in the free enterprise system in the State of Maine. Any time you go into a grocery store and you ask the clerk to wait on you, whether or not you ask him to wait on you, you are paying that clerk's salary, you are paying clerk's wages or you are paying that storeowner's take-home. Somehow or other, you are not getting a free ride, and nobody has been getting a free ride as far as the directory assistance calls are concerned, because out of the ratepayers these minimum wages that are paid to the operators who answer the phone for you when you dial a number. It is true now that that the commission can deal with this. We don't need to pass new regulations here in this body.

There has been lately a feeling that we should try to itemize our expenses on some of these bills, water bills, electric bills, telephone bills and if we can itemize the expenses, then the different individual consumers will know what they are paying for. If a consumer, a ratepayer, a telephone user, gets a bill which indicates on his bill that he is paying so much for directory assistance calls, he knows what he is paying for, and if he does not have to pay for directory assistance calls, that means he didn't use the service. I say, let's quit deceiving ourselves thinking we are getting something for nothing because we are not.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: A final parting shot here. There is an old gentleman in Yarmouth who works cutting lawns and things and he summed this up pretty well when he said, "ain't nothin' for free". Smeone has got to pay the bill. We all pay the bill for the people who use the information service too much who can't bother to pick up a phone book and look up a number. We are all paying for that. This would shift it. And I agree that there are problems, there are people who are blind, people who are old and can't read the book and things like this that need to be considered, but if we shift this over and say they can't ever charge for it, we are all paying to subsidize it. It comes right back to all of us.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I am a cosponsor of this bill and I cosponsored it for several reasons. We had a debate in this House before to require the telephone company to print a supplementary telephone directory when they omit names and that was defeated. There were 400 names omitted from the telephone directories this year throughout the state. People have to call to get information on those numbers. Also, there is often errors in the numbers that are in the telephone books. I found that many times campaigning in Portland, that there are many phone numbers that are in error. Again, you would have to call for information.

Now, the telephone company limits you to one telephone book per household, no matter how many telephones you might have, one upstairs, one downstairs, one in your basement family room, you still only have one phone book which you can't keep at every phone in your house.

We are all aware that we are paying for this cost of directory assistance and perhaps some of us don't use it as frequently as others do, but I haven't heard any objections from the public about paying for these directory assistance calls in their basic monthly charge, but, in fact, I have heard a lot of objections to the telephone companies now starting to charge 20 cents for every call over three requests for directory assistance if the PUC grants that.

I have talked personally to one of the commissioners who is very dear to the hearts of many of us here, and although they prefer the flexibility of deciding whether or not to make a

separate charge for this, he would see no problem if the legislature determined that the people would just as soon pay for this in their basic monthly charge.

As far as I am concerned, it is just one more thing for families to worry about. Who is making the calls? Who is running up the bills? Another thing to quarrel about, it is just one amenity of life, a service that we all enjoy getting. It is not for free, we all know that, but we are not billed for each individual call, it is just a little amenity of life and I think we ought to try to preserve and pay for it in our basic monthly rate. I hope you will pass this bill.

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

Mrs. TARR: Mr. Speaker, Members of the House: I am getting the signal from the Speaker and I will be very brief. I know it's hot in here and it is late and we all want to go home, but I just have to tell you why I signed the "Ought not to pass" report. I am getting notes saying that I am beyond all redemption. I don't know, I will probably have to look that up.

Actually, I signed the "ought not to pass" report because this is before the PUC now, this is why we have a PUC Commission. If we want to pass these bill in here, have this legislation in here, then we can do away with the PUC Commission, we can save a lot of money, we can appoint perhaps Mr. Laffin or somebody in here to take charge and we can do it right here in the House, so I believe we should have faith in the Public Utilities Commission, they are there to run the show, and I am sorry I ever mentioned his name (Mr. Laffin).

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't planned on speaking on this bill today, and I would like to answer my good friend from the other side of the aisle. I would like to be on that Public Utilities Commission. However, since I am not, I will speak on the bill.

I had a seven-page speech prepared here today, and after talking to many members of the House, who I have the greatest respect for in their judgment, they advised me to cross out several things in my speech for the simple reason that they felt that it was abusive to the telephone company and to the Public Utilities of this state. In my own heart, I don't believe it is, but I will respect their judgment. If I have to lose votes because of being upset in my actions on the floor of this House and not the true worthy piece of legislation to be decided on, I will save my speech for another day.

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

A vote of the House was taken.

76 having voted in the affirmative and 21 in the negative, Report A was accepted.

The Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to Pass" as amended by Committee Amendment "A" (H-184) on Bill "An Act Relating to State Liquor Identification Cards" (H. P. 769) (L. D. 960)

Report was signed by the following members:

Messrs. LEVINE of Kennebec
LOVELL of York
DANTON of York

-of the Senate.

Messrs. RAYMOND of Lewiston
MAXWELL of Jay
NADEAU of Sanford
CONNERS of Frankfort
MARSHALL of Millinocket

IMMONEN of West Paris
TWITCHELL of Norway
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. LIZOTTE of Biddeford
JACQUES of Lewiston

-of the House

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

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

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I hope that some of you here will look at this bill. If you realize what this was doing — this is putting a man, could be a young person, in jail for three years and a \$1,000 fine for falsifying his I.D. card. A man that is convicted of manslaughter doesn't even have that much time to serve in jail, but the man who falsifies his I.D. card will be put in jail for either three years or a \$1,000 fine. I just want you people to realize what is going on here, and I hope that you do not go along with the "ought to pass" report of the committee.

I move the indefinite postponement of the Bill and all accompanying papers.

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House; We had quite a run-in with the drinking age in this state not too long ago and it has now been raised. What this bill proposes to do is put on the application for a state liquor I.D. what is going to happen if a person is foolish enough to falsify information to obtain a state liquor I.D. If that person has guts enough to go out and get his brother's picture, his brother's draft card or anything else to get himself a false I.D. so he can go in and purchase liquor when he is not of age, then he ought to pay for it, and this is just going to tell him what he is in for if he wants to go ahead and get a false I.D.

I urge you to vote against the indefinite postponement and let this bill go on its merry way.

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

A vote of the House was taken.

Whereupon, Mr. Jacques of Lewiston requested a roll call vote.

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

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

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I think a lot of these storeowners believe that this will help them. This definitely doesn't help any of the storeowners or anyone else that does accept one of these false I.D. cards. They are still subject to be prosecuted by the courts. A lot of them say that they believe this will just wash everything off and they will not be convicted for any crime

that was committed by this young man by falsifying his I.D. card. Some of these young fellows are buying these I.D. cards through the mail for maybe a \$1 or a \$1.50, they are 13, 12 and 14 years old — now, what are you going to do with these kids, they don't know what they are doing. I think it was said on the floor here a while ago, that these young men who do procure these I.D. cards by falsifying — I will tell you, when one of you parents or you people here are subjected to the courts with your children, you will feel a little different how you voted here today. Believe me, that is not going to help the dealers, who are selling this beer to these young fellows that did get picked up for falsifying their I.D. cards. I just want you to think of this: We were two on the committee who voted against the bill and we listened to it, very closely but that isn't going to wash anyone's hands.

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

Mr. WILFONG: Mr. Speaker, I would like to pose a question through the Chair. First of all, it is my understanding that this bill deals with state liquor identification cards — I would like that clarified and if so, I don't believe and this is another point clarified, that a storeowner or a tavern owner can be prosecuted if the state liquor identification card says that they are of age, then I don't believe if they show that card that a storeowner or a tavern owner can be prosecuted? Because it is a state liquor card. Also, I would like to know what a Class D offense is and what the penalty is for it?

The SPEAKER: The gentleman from Stow, Mr. Wilfong, has posed a question through the Chair to anyone who may care to answer if they so desire.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Wilfong is essentially right. It does deal with application that one makes out to obtain a state I.D. card. The primary purpose of this bill, which was sponsored by Mr. Hughes of Auburn, who, I believe, we can agree he is a very reasonable man when it comes to the criminal justice system, his primary purpose was to make those aware of the consequences of filing false information in trying to obtain a liquor I.D. card. You will notice that it was a divided report with Committee Amendment "A". The only difference between the bill and Committee Amendment "A" is that instead of stopping short at calling this a Class D crime, it spells out what the Class D crime is because we thought that probably the average citizen wouldn't know what a Class D crime is. I will read from the amendment because I understand it: "knowingly supplying false information to a state agency is a Class D offense, punishable by confinement of one to three years or by a monetary fine of up to \$5,000 or by both."

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

Mr. DAVIES: Mr. Speaker, I would like to pose a question through the Chair. Can a person who is under the age of legal consent be prosecuted for a Class D offense or will this create some kind of problem with the criminal code?

The SPEAKER: The gentleman from Orono, Mr. Davies, has posed a question through the Chair to anyone who may care to answer if they so desire.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, this was my concern on looking at the amendment — if we are talking about a juvenile, who is supplying false information to get a State Liquor I.D., the Class D offense would not apply to him because it would be a juvenile offense.

I have a question of my own. The Class D offense, I don't believe, contains a one to three years provision and I would ask someone on the committee to clarify that. It may be that this is an offense outside of the criminal code. As I understand Class D offenses, they don't run from one to three years.

Whereupon, on motion of Mr. Greenlaw of Stonington, tabled pending the motion of the gentleman from Lewiston, Mr. Jacques, that this bill and all its accompanying papers be indefinitely postponed, a roll call having been ordered, and specially assigned for Monday April 25.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Resolve, Appropriating Funds for Repair of the Dam at the Outlet of Stetson Pond (H. P. 1094) (L. D. 1318)

Report was signed by the following members:

Messrs. CARPENTER of Aroostook
COLLINS of Aroostook

-of the Senate

Mrs. TARR of Bridgeton

Messrs. BERRY of Buxton
SMITH of Mars Hill
McHENRY of Madawaska
WOOD of Sanford
PEARSON of Old Town
NADEAU of Sanford
CUNNINGHAM of New Gloucester

-of the House

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

Report was signed by the following member:
Mrs. CUMMINGS of Penobscot

-of the Senate

Reports were read.

On motion of Mr. Palmer of Nobleboro, tabled pending adoption of either report and specially assigned for April 25.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Providing for the Observance of Memorial Day on May 30th" (H. P. 442) (L. D. 549)

Report was signed by the following members:

Mr. COLLINS of Aroostook
Mrs. SNOWE of Androscoggin
Mr. MARTIN of Aroostook

-of the Senate

Mrs. BACHRACH of Brunswick
Mr. CURRAN of South Portland
Mrs. MASTERTON of Cape Elizabeth
Mr. VALENTINE of York
Mrs. LOCKE of Sebec
Mrs. KANY of Waterville
Mr. SILSBY of Ellsworth
Mr. DIAMOND of Windham

-of the House

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

Report was signed by the following members:

Mr. CHURCHILL of Orland
Mr. STUBBS of Hallowell

-of the House

Report was read.

On motion of Mr. Curran of Portland, tabled pending acceptance of either report and specially assigned for April 25.

Consent Calendar

First Day

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

(H. P. 437) (L. D. 544) Bill "An Act to Prohibit the State Lottery Commission from Controlling the Game of Beano" — Committee

on Legal Affairs reporting "Ought to Pass"

No objection being noted, the above item was ordered to appear on the Consent Calendar of Monday, April 25, under listing of Second Day.

(S. P. 344) (L. D. 1128) Bill "An Act to Require Telephone Companies to List the Name of a Customer's Spouse in the Telephone Directory if the Spouse so Chooses" — Committee on Public Utilities reporting "Ought to Pass"

On the objection of Mr. Greenlaw of Stonington, was removed from the Consent Calendar.

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

(S. P. 229) (L. D. 707) Bill "An Act Revising the Maine Business Corporation Act" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-77)

(H. P. 766) (L. D. 959) Bill "An Act to Establish Arbor Week" — Committee on Legal Affairs reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 25, under listing of the Second Day.

Consent Calendar

Second Day

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

(H. P. 399) (L. D. 519) Bill "An Act Providing for the Revocation and Nonrenewal of Motor Vehicle Dealer Licenses for Nonpayment of State Taxes"

(H. P. 644) (L. D. 788) Bill "An Act to Require a Mandatory Transition Period for Certain County Officials" (C. "A" H-174)

(H. P. 464) (L. D. 570) Bill "An Act to Establish Registration for Governmental Vehicles" (C. "A" H-177)

(H. P. 646) (L. D. 790) Bill "An Act to Require County Commissioners to Notify Municipal Legislative Bodies of County Budget Hearings" (C. "A" H-173)

(H. P. 643) (L. D. 787) RESOLVE, Allowing Cumberland County the Authority to Appropriate Funds from the Fiscal Year 1976 Surplus to Pay the Deficit from the 1976 Fiscal Year (Emergency) (C. "A" H-175)

(H. P. 556) (L. D. 673) Bill "An Act Concerning Board of Directors of Transit Districts" (C. "A" H-178)

(H. P. 846) (L. D. 1037) Bill "An Act Amending the Law Relating to Load Binding" (C. "A" H-179)

(H. P. 591) (L. D. 718) Bill "An Act to Increase Certain Fees of Registers of Deeds" (Emergency) (C. "A" H-181)

(S. P. 188) (L. D. 585) Bill "An Act Relating to the Fair Trade Act"

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

Passed to Be Engrossed

Bill "An Act to Provide Civil Immunity for Persons Participating in Administering Immunizing Agents" (S. P. 460) (L. D. 1583)

Bill "An Act to Correct the County Officers Salary Act" (S. P. 459) (L. D. 1582)

Bill "An Act Repealing the Lucerne-in-Maine Village Corporation" (H. P. 1445) (L. D. 1669)

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

Amended Bills Tabled and Assigned

Bill "An Act to Promote Consistency Between Certain Regulatory and Proprietary Decisions of the State" (H. P. 338) (L. D. 429) (C. "A" H-162)

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

(On motion of Mr. Palmer of Nobleboro tabled pending passage to be engrossed and specially assigned for Tuesday, April 26.)

Bill "An Act to Permit Vehicular Traffic to Turn Right at a Red Light" (H. P. 43) (L. D. 60) (H. "B" H-167 to C. "A" H-152)

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.

Tabled and Assigned

Bill "An Act to Provide for Specially Designed Registration Plates for the Maine National Guard" (H. P. 504) (L. D. 623) (C. "A" H-151)

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

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

Mr. BUSTIN: Mr. Speaker, I move this lie on the table two legislative days.

Whereupon, Mrs. Berube of Lewiston requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that this matter be tabled pending passage to be engrossed and specially assigned for Tuesday, April 26. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
53 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

Constitutional Amendment

Tabled and Assigned

RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Office of Justice of the Peace as a Constitutional Office (H. P. 655) (L. D. 798)

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I hope this afternoon that you do not pass this constitutional change. We took the notary out of the Constitution last year but we did leave the justice in. I think it may have been done for some particular reason at the time. I think at one time justices of the peace and notaries, particularly justices, did have a position of some respect, and I won't say that they don't today, but there are a great many of them being created. I think it should be left in as a constitutional office. I have the hopes that sometime they might upgrade some of the requirements for justices to make it somewhat consistent with the position it used to have. I just hope this afternoon that you do not vote to adopt this constitutional change.

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

Mrs. MITCHELL: Mr. Speaker, may I pose a question through the Chair to anyone who may care to answer it? This bill proposes a resolution which would abolish the office of J.P.'s as a constitutional office. My question is, what happens to those people who currently hold these positions and also what provisions are made to replace this in some other way? I can't tell from the bill.

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question

through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker and Members of the House: Those who presently hold a justice of the peace title would not lose that. It was proposed by the Secretary of State's Office that once it were abolished as a constitutional office, then we would set it up in the regular session as a statutory office, if it were to be maintained.

Mr. Churchill of Orland 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 Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I think my House Chairman, Mr. Curran from South Portland, tried to explain it, but he might have left out one thing. This other office that we are trying to abolish and bring up on a constitutional amendment, it used to have to be confirmed by the Governor's Council. When we eliminated the Governor's Council, I think there was an error that we didn't include that at that time. There is no one to put these back into effect; when you apply for your justice paper, there won't be any, so it has to be done by the Secretary of State. I think we are making an error in not allowing him to do this, because you are not going to have anyone to pass this out because you don't have any Council any more.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think maybe a lot of the people here in the House are just a little bit uneasy about this and would like some time to be sure we are doing the right thing, and I would suggest it might be a good idea if somebody tabled this for one day.

Thereupon, on motion of Mr. Curran of South Portland, tabled pending final passage and specially assigned for Monday, April 25.

Emergency Measure Tabled and Assigned

An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979 (H. P. 266) (L. D. 334) (C. "A" H-133)

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

On motion of Mr. MacEachern of Lincoln, tabled pending passage to be enacted and specially assigned for Tuesday, April 26.

Passed to Be Enacted

An Act to Establish the Salary Level for the Superintendent of the Bureau of Consumer Protection (H. P. 238) (L. D. 301)

An Act Permitting Reciprocity with States that Issue Complimentary Hunting and Fishing Licenses to a Person who is suffering from Paraplegia or who is Suffering from Loss of or the Loss of the Use of Both Lower Extremities." (H. P. 260) (L. D. 328) (C. "A" H-132)

An Act Concerning Revocation of Certain Inland Fisheries and Wildlife Licenses (H. P. 262) (L. D. 330) (C. "A" H-130)

An Act to Define "North American Indians Residing in Maine" for Purpose of the North

American Indian Scholarships (H. P. 324) (L. D. 415)

An Act to Standardize the Provision of Copies of Medical Records to Patients of Hospitals (H. P. 424) (L. D. 529) (C "A" H-124)

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

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

(On motion of Mr. Connolly of Portland, tabled pending passage to be enacted and specially assigned for Monday, April 25.)

Orders of the Day

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

Bill, "An Act to Amend the Vocational Education Laws" (Emergency) (H. P. 1209) (L. D. 1329) (H. "B" H-183)

Tabled — April 21, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Engrossed.

On motion of Mr. Lynch of Livermore Falls, retabled pending passage to be engrossed and specially assigned for Tuesday, April 26.

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

Bill, "An Act Requiring the Marking and Removal of Ice Fishing Shacks on Frozen Tidal Waters" (H. P. 525) (L. D. 643) (C. "A" H-160)

Tabled — April 21, 1977 by Mr. Marshall of Millinocket.

Pending — Passage to be Engrossed.

On motion of Mrs. Post of Owl's Head, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentlewoman offered House Amendment "A" to Committee Amendment "A" (H-191) and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-191) was read by the Clerk.

The SPEAKER: The gentlewoman may proceed.

Mrs. POST: Mr. Speaker, Men and Women of the House: What this amendment does essentially is to remove the imprisonment penalty for failing to mark an ice fishing shack and I think it takes care of some of the objections that we heard yesterday.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted. The Bill was passed to be engrossed as amended and sent up for concurrence.

On motion of Mrs. Boudreau of Portland, the House reconsidered its action of yesterday whereby it voted to insist on Bill "An Act to Improve the Marketability of Real Estate" House Paper 1415, L.D. 1627.

The SPEAKER: The Chair recognizes the same gentleman.

Mrs. BOUDREAU: Mr. Speaker, I ask that this body vote against the motion to insist so that I may make a motion to adhere.

The SPEAKER: The Chair will order a vote. The pending question is on the motion to insist. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

5 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Boudreau of Portland, the House voted to adhere.

On motion of Mr. Berry of Buxton, the House reconsidered its action of yesterday whereby Bill "An Act Concerning Municipal Transit Districts," House Paper 721, L. D. 973, was passed to be engrossed.

On motion of Mr. Jensen of Portland, tabled pending passage to be engrossed and specially assigned for Tuesday, April 26.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Earlier this afternoon and before the Governor spoke, I tried to make some predictions as to what the Governor's message might be, having been here for some time, realizing that it was Friday afternoon and that you would have to be going home and speaking to your constituents. I would like to slit that open now and read you, whether they are good or bad, the comments that I had made previously in trying to figure out exactly what His Excellency was up to.

To the members of the House, I write this note to myself to be used only if the Governor does what I think he will do this afternoon in his address to us. Obviously, if he had not, you would not be hearing from me.

I believe that the Governor will present us with an alternative to school funding, which he basically did, \$286, and a \$10 million package for inventory. He would have us go home, speak to our constituents, and if you get a chance to read his message, you will find that is exactly what he is trying to do, and then return on Monday. I believe that the Governor may very well call in several legislators on Monday and then veto the school funding bill, and include in his message that after having talked to many legislators he finds that the general public all over the state feel that his solution to the problem is the best, and that is why he is returning the bill to us.

If the above becomes a fact, I am interested in knowing why the Governor did not follow a recommendation of mine made last week which would have had him call in the six conferees and find out why they selected the proposal which they did. Who would have better benefitted from talking to those conferees than the Governor? How many elected municipal officials did the Governor speak to? And who, in fact, did the Governor seek counsel from?

I know that many of you here will readily admit to having a very limited knowledge on the school funding law. How can the average citizen possess a greater knowledge than you who has to deal with it? Yet, the Governor would have you turn to your people for expert advice.

It is a simple answer. The Governor is up to the very tactics he has used since attaining office, one of dividing and conquering, one of adding confusion to the issue with the results being that you will vote to sustain his veto rather than take a chance on having made a mistake. I feel you are not making a mistake in overriding — he has already told you he will veto — that you are rejecting his tactics of trying to be both the executive and the legislative branch of government.

I would like to point out to you that when you go home and you tell your people or they read in the paper that he is going to be cutting 1.4 per cent out of the budget, he is shifting it from the general broad-based taxes of the state right back to the property tax, the very tax we have been trying to get away from. And I would hope when your people back home tell you about the big changes that the Governor is proposing, you will try to point out to them that instead of seeing it in their income tax and the corporate taxes and the sales tax and the cigarette tax and what have you, they will be able to read exactly what the Governor has done to them on their property tax bill.

The following paper appearing on Supplement

No. 2 was taken up out of order by unanimous consent;

The following Joint Order: (S. P. 470)

ORDERED, the House concurring, that notwithstanding Joint Rule 23, bills listed by the Director of Legislative Research on April 20th as pending receipt in that office for final preparation may be introduced in the appropriate House no later than 5 p.m. on Friday, April 22nd.

Came from the Senate, read and passed and ordered sent forthwith.

In the House, the Order was read.

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

Mr. DAVIES: Mr. Speaker, I would pose a question through the Chair to anyone who may care to answer. Could we have an explanation of what this exactly means.

(Off Record Remarks)

Thereupon, the Order received passed in concurrence.

On the request of Mr. Tierney of Lisbon Falls, the following matter was taken from the Unassigned Table:

Bill, "An Act to Provide for Legislative Oversight of Executive Programs and to Provide for Legislative Review of Administrative Rules" (S. P. 453) (L. D. 1645) — In Senate, referred to Committee on State Government.

Tabled — April 21, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Reference in concurrence.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Having spoken with the sponsor of this bill at some length and having been assured by him that it is an excellent piece of legislation and that it is indeed not duplicative, I am taking his word for it and I ask that this bill be referred to the Joint Standing Committee on State Government in concurrence.

Thereupon, the Bill was referred to the Committee on State Government in concurrence.

On the disagreeing action of the Legislature on Bil "An Act Pertaining to License Fees for the Regulation of Certain Amusements," House Paper 477, L. D. 701, the Speaker appointed the following Conferees on the part of the House:

Messrs: JOYCE of Portland
BURNS of Anson
MOODY of Richmond

On motion of Mr. Spencer of Standish, the House reconsidered its action of yesterday whereby Bill "An Act to Provide Interest on Judgments in Civil Actions," House Paper 575, L. D. 699, was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-168) was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-189) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, would the gentleman from Standish please enlighten us as to what he is doing.

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

Mr. SPENCER: Mr. Speaker and Members of the House: What I am doing here is amending this bill which deals with interest on judgments so that if an attorney requests a continuance during an action, the party who wins the case does not receive interest during the period of that continuance and the purpose of it is that if someone is delaying a law suit, he shouldn't

benefit from delay. The bill as it originally came out of committee provided that once someone got a continuance, then that party could not long receive any interest, and this amendment provides that they simply lose interest during the period of the continuance. It has been reviewed by the Judiciary Committee and is essentially an effort to make a minor adjustment in the bill that got out of committee through an oversight.

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

Mrs. BYERS: Mr. Speaker and Members of the House: There were two amendments that might have been presented, and since the sponsor of one is not here, Mr. Devoe of Bangor, I would hope that this would be tabled for one legislative day while it is in this posture.

Whereupon, on motion of Mr. Garsoe of Cumberland, tabled pending the adoption of the House Amendment "A" to Committee Amendment "A" and specially assigned for Monday, April 25.

On motion of Mr. Sprowl of Hope,
Adjourned until Monday, April 25, at nine-thirty in the morning.