

# 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**

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AUGUSTA, MAINE

## HOUSE

Tuesday, April 26, 1977

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

Prayer by the Reverend Ernest Sjoborg of the United Baptist Church, Richmond.

The journal of yesterday was read and approved.

## Papers from the Senate

The following Communication:

The Senate of Maine

Augusta

April 25, 1977

Honorable Edwin H. Pert

Clerk of the House

108th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate voted today to Adhere to its action whereby it indefinitely Postponed Bill, "An Act to Ensure that the Powers and Duties of Fire Chiefs are subject to Municipal Collective Bargaining Agreements" (H. P. 230) (L. D. 293).

Respectfully,

(Signed) MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

## Reports of Committees

## Ought Not to Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Resolve, to Establish an Experimental Coho Salmon Program (S. P. 279) (L. D. 892)

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

## Leave to Withdraw

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Relating to Employment of Minors" (S. P. 335) (L. D. 1120)

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Establish the Right of Municipalities to Raise More as Well as Less Money in the Town Warrants" (S. P. 313) (L. D. 1033)

Came from the Senate with the Reports read and accepted. In the House, the Reports were read and accepted in concurrence.

## Referred to the Committee on Appropriations and Financial Affairs

Report of the Committee on Judiciary on Bill "An Act Relating to the Compensation for District Attorneys" (S. P. 361) (L. D. 1223) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

## Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to Pass" as amended by Committee Amendment "A" (S-84) on Bill "An Act Concerning the Penalty for Sale of Alcoholic Beverages to Minors" (S. P. 249) (L. D. 758)

Report was signed by the following members:

Messrs. DANTON of York

LOVELL of York

LEVINE of Kennebec

-of the Senate.

Messrs. CONNERS of Franklin

MARSHALL of Millinocket

NADEAU of Sanford

RAYMOND of Lewiston

MAXWELL of Jay

IMMONEN of Wet Paris

GRAY of Rockland

-of the House.

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

Report was signed by the following members:

Messrs. TWITCHELL of Norway

JACQUES of Lewiston

LIZOTTE of Biddeford

-of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-84) Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A"

In the House: Reports were read.

On motion of Mr. Maxwell of Jay, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-84) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

## Non-Concurrent Matter

## Tabled and Assigned

Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 1298) (L. D. 1495) which was passed to be engrossed in the House on April 21, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

Mr. MacEachern of Lincoln moved that the House insist.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. MacEachern of Lincoln to insist and specially assigned for Thursday, April 28)

## Petitions, Bills and Resolves

## Requiring Reference

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

## Education

Bill "An Act Relating to the Payment to Provide for Waste Disposal at Mt. Ararat High School" (Emergency) (H. P. 1484) (Presented by Mrs. Chonko of Topsham) (Cosponsors: Mr. Moody of Richmond, Mr. Garsoe of Cumberland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

(Ordered Printed)

Sent up for concurrence.

## Study Report

## Committee on Agriculture

Mr. Mahany from the Committee on Agriculture to which was referred the study relative to A Uniform Wood Measurement Standard for Maine, pursuant to H. P. 1710 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Amend the Law Establishing Uniform Standards for the Measurement of Wood" (H. P. 1480) (L. D. 1689) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

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

(Off Record Remarks).

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

## After Recess

10:15 A.M.

The House was called to order by the Speaker.

## Orders

On motion of Mrs. Lewis of Auburn, the following Joint Order: (H. P. 1485)

ORDERED, the Senate concurring, that the Joint Rules of the 108th Legislature be amended by inserting at the end of Joint Rule 27 a new paragraph to read:

**No Legislator shall file requests for more than 10 bills and resolves, under this rule, during any one regular or special session of the Legislature. This limit shall not apply to requests for bills or resolves sponsored on behalf of the Governor or Chief Justice under Joint Rule 22.**

The Order was read.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This order is enforced in the State of Nebraska and from all I can gather, it works very well.

When you consider the number of bills that have been presented to this legislative session, the number of duplications, the number of bills that people have put in and then have withdrawn, it seems to me that we have got to get a handle on this somehow or other. I feel that any bill that has been presented could probably be amended so that if one of the members of the legislature has a different idea, an idea to add to a bill, it could be done very easily. Maybe we have to get away from the idea of private ownership in some way and limit the number of bills that are coming in, and that is the purpose of this order. I hope that it will pass.

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

Mr. TIERNEY: Mr. Speaker, I move that this order be indefinitely postponed and request a division.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Before the vote is taken on indefinite postponement, I would like to make just a statement or two.

While I cannot support the order in its present form of the gentlelady from Auburn, I do commend her for the idea. I believe that it is incumbent upon membership in both parties to work together to either refine this order or something similar to it to cut down on excessive legislation which we are facing year after year, ever increasing numbers of bills.

I would hope that regardless of the outcome of the order of Mrs. Lewis, that we would seriously, Republicans, Democrats alike, join hands and before this session is over find some way to do the job and do it well and at the next session we may not be faced with the myriad number of orders which we have had in this session and in prior sessions.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think that our considering this order today does point up to a definite problem that we have, and it seems to be a perennial problem. While I am not sure that this particular order does deal — it does deal with the problem but it does not deal with the root source of the problem. I would consider that the root source of the problem is pride of sponsorship.

There are two aspects of this private sponsorship that I think we should address, and I think that rather than always postponing the problem, I think I would call upon the leadership to perhaps propose some amendments to the rules, some amendments to our

procedures in getting bills introduced into the legislative process.

We have a problem of getting our bills in on time, and we have a problem of duplication. I think they go hand in hand. I would suggest that in our clearing house, the Legislative Research Office, that if any duplicate bills are presented, the one which gets introduced first would be the bill that would be allowed to enter into the legislative process and the others, if they were duplicates, would not be allowed into the legislative process.

I would also suggest that rather than having department heads and executives and governors trying to find individuals to sponsor particular pieces of legislation, that come out of the departments, these bills should be required to come out of committees rather than to give a particular individual a pride of ownership or a piece of legislation that would enhance a particular individual's own political career. I think that department bills, if they were to come out of committee, we could do away with a lot of the problem of getting bills presented on time and also they would be entered through the committee process and come back into the legislative process.

Perhaps these ideas are only rudimentary ideas, but I offer them for consideration. I call upon the leadership to perhaps work on these ideas and come up with something that both bodies could work with, and I am sure that as time goes on we can clean up a lot of the problems that we have with the large numbers of bills and duplications and so forth.

It is only for consideration. I don't think that the order we have today is really dealing with the source of the problem, but it does indicate to us that we have a problem.

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

Mr. MacEACHERN: Mr. Speaker and Members of the House: I will repeat briefly what I said in the caucus. I came into this session with perfectly good intentions of introducing no more than five bills. I now have in excess of 20 and they are all legitimate bills that were requested by constituents, and I feel that they warrant consideration.

I don't think the problem is with the number of bills. I think we have got more Daniel Websters per square inch in this House than any other body that I have ever seen, and if we would state our ideas and sit down and not orate all day long, we would get along a lot better.

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that this Order be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 Lisbon Falls, Mr. Tierney, that this Order, House Paper 1485, be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Bachrach, Beaulieu, Bennett, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Byers, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Diamond, Dow, Drinkwater, Dutremble, Flanagan, Fowlie, Gauthier, Gillis,

Goodwin, H.; Goodwin, K.; Green, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, Lougee, Lynch, MacEachern, Mahany, Marshall, Martin, A.; McBreairty, McHenry, McKean, McMahon, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Shute, Spencer, Strout, Stubbs, Talbot, Theriault, Tierney, Tozier, Trafton, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Ault, Austin, Bagley, Berube, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Devoe, Dexter, Dudley, Durgin, Fenlason, Garsoe, Gill, Gould, Gray, Huber, Hunter, Hutchings, Immonen, Lewis, Lizotte, Lunt, Mackel, Masterman, Masterton, McPherson, Palmer, Peltier, Perkins, Rollins, Silsby, Smith, Sprowl, Stover, Tarbell, Tarr, Torrey, Truman.

ABSENT — Burns, Bustin, Davies, Elias, Greenlaw, Higgins, Littlefield, Maxwell, Peakes, Teague, Tyndale.

Yes, 98; No, 42; Absent, 11.

The SPEAKER: Ninety-eight having voted in the affirmative and forty-two in the negative, with eleven being absent, the motion does prevail.

#### House Reports of Committees

##### Leave to Withdraw

Ms. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act to Allocate \$50,000 for the Support of Northeast COMBAT, Inc., in Order that it May Continue its Comprehensive Program of Service to Maine Consumers, including Individual Assistance, Education and Public Information" (H. P. 513) (L. D. 848) reporting "Leave to Withdraw"

Mr. Curran from the Committee on State Government on Resolve, to Authorize the Conveyance of Land from the State of Maine to Wilfred A. Cyr (H. P. 727) (L. D. 845) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft

##### New Draft Printed

Mr. Mackel from the Committee on Taxation on Bill "An Act to Avoid Double Taxation on Income Earned in New Hampshire by Citizens of the State of Maine" (H. P. 539) (L. D. 654) reporting "Ought to Pass" in New Draft under New Title Resolve, Directing the Bureau of Taxation to Provide Credits for the Commuter's Income Tax Imposed by New Hampshire for the Period January 1, 1975 to March 19, 1975 (H. P. 1482) (L. D. 1698).

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

#### Ought to Pass with Committee Amendment

Mrs. Post from the Committee on Taxation on Bill "An Act Providing for the Service of Warrants by Agents of the State Tax Assessor" (H. P. 391) (L. D. 480) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-199)

Mr. Mackel from the Committee on Taxation on Bill "An Act Relating to the Motor Vehicle Excise Tax" (H. P. 243) (L. D. 316) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-201)

Reports were read and accepted, and the Bills read once. Committee Amendment "A" to each read and adopt and the Bills assigned for second reading tomorrow.

#### Ought to Pass

##### Pursuant to Joint Order H. P. 138

Mr. Henderson from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1977 (Emergency) (H. P. 1481) (L. D. 1690) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 138)

Mr. Henderson from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1977 (Emergency) (H. P. 1483) (L. D. 1699) reporting "Ought to Pass pursuant to Joint Order (H. P. 138)

Reports were read and accepted, the resolves read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Extend the Sales Tax Exemption for Child Day Care Facilities" (H. P. 599) (L. D. 724)

Report was signed by the following members:

Messrs. JACKSON of Cumberland  
WYMAN of Washington  
MARTIN of Aroostook

— of the Senate.

Messrs. MACKEL of Wells  
COX of Brewer  
CARTER of Bangor  
TEAGUE of Fairfield  
CAREY of Waterville  
IMMONEN of West Paris

— of the House.

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

Report was signed by the following members:

Mrs. POST of Owls Head  
Mrs. CHONKO of Topsham  
Mr. MAXWELL of Jay

— of the House.

Reports were read.

Mr. Carey of Waterville moved that the Majority "Ought Not to Pass" Report be accepted.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I ask you not to accept the Majority "Ought not to Pass" Report. I sponsored this bill for the child day care facilities. It is not a great loss of revenue. A boarding child care facility is now tax exempt. This legislation would extend this tax exemption to the day care facilities. The loss of revenue is less than \$10,000 a year and presently church related day care facilities are sales tax exempt. I think in the instance of child care facilities, this is a very discriminatory situation that we have.

It doesn't amount to a great deal of money to each individual child care facility, but it does amount to a great deal of money when they have to renovate or enlarge to comply with federal and state regulations.

This came to my attention through the Catherine Morrill Day Nursery in Portland. They had to go through a \$50,000 renovation, and when they realized how much sales tax they paid, it was ridiculous. They are funded by the state and United Way fund. All the money they receive is tax-free money, yet they have to turn around and pay sales tax when they buy supplies for the children, when they buy food and other items. I just hope you will let this go on the Appropriations Table and take its chances with all other tax bills.

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

Mr. CAREY: Mr. Speaker, Ladies and

Gentlemen of the House: The 13 members on the Taxation Committee very reluctantly are voting out a lot of bills "ought not to pass," and you will see the majorities are floating left and right on many of those things. The Taxation Committee is the committee responsible for holding the hearings. We have about 70, to date, of these tax exemption bills that we have been discussing. They all are going to cost money, and now is the time to make the decision whether crying on the loss of these bills is going to be done now or at the end when the Appropriations Committee strips the table.

The Taxation Committee feels that it has to assume the responsibility of being on the job today. It would be very simple for us to pass these bills out "ought to pass" and let them die on the table and we could go home and say, gee, we did what we could. But we are facing up to the fiscal responsibility that we have where this House has pointed out on several occasions that they are willing to come up with ten or fifteen or even twenty million dollars worth of new taxes and the other body is not willing to come up with any taxes. When you take the mean of that, you come out with about \$7 million in new money. We have some money available to fund some of the more worthy bills, not saying that this is not a worthy bill, but we are getting into a fiscal bind if we pass these bills out.

The Taxation Committee would obviously look for direction from anyone here, but I feel that the members of the committee are facing up to the responsibility that they have before them.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: The Taxation Committee has often been called the tax-exemption committee and having served on it for my first term I can agree with that and it has all been very difficult with the kinds of choices that we have to make. It is true that you are going to be seeing a lot of bills come out and perhaps there will be some switching back and forth. What I've tried to do in my own mind is to say that any organizations which are tax-exempt on the federal law, that is, they are non-profit organizations that are tax-exempt under, I think, it is a 501C3 code should not have to pay sales tax. Right now, some of them do, some of them don't. For instance, if you are carrying on medical research, you don't have to pay sales tax. If you are operating an educational television or radio station, you do have to pay sales tax. I am sorry. If you are operating an educational television or radio station, you do not have to pay sales tax. If you are operating a day care you do. If you happen to be operating the mental health center, you don't. If you happen to be operating the mental retardation center, if you have a boarding home for the mentally retarded, you don't pay sales tax. If you have a boarding home for the elderly, you do pay sales tax. If you are taking care of children overnight, you don't pay sales tax. If you are taking care of children during the day, you do pay sales tax. The only reason it is set up this way is because one particular bill maybe had a couple of people, a group of people that really wanted to push for it and they got it through that year. I know, because the Health Institutions help get the sales tax exemptions through for mentally retarded last year.

My own feeling, philosophically, that isn't the way it should work. I think what we should do is, here in this body, we don't have the budget committee any more and in this body we should be making decisions on those programs which are worthwhile and consistently should have a tax exemption or not have a tax exemption. Then we see all the bills on the appropriations table and it is only after that we go through that process that we realize what choices are being made on a whole and how the priorities are set.

The Committee on Taxation hears the bills one by one and you can't set priorities that way. There are others coming out. This body hears the bills one by one. I think if you believe in this particular instance that day care centers who happen to take care of children during the day instead of overnight should be treated the same as those who take care of children overnight, you should vote to pass the bill. When the appropriation process goes through, that is when the Taxation Committee and this body has a chance to set priorities and to decide whether those bills on the table do or do not warrant a tax increase, so I would hope that you would vote against the ought not to pass report.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: For a freshman legislator, this is very frustrating. When Representative Biron said last week, "let's make a decision now" on a certain bill for the Arthritis Foundation, he said "let's do something now, let's not wait for the Appropriation Table," Nobody said a word then. We voted against it. Fine. This is the way we want it to go. Another gentleman from Waterville said "let's make a decision now, don't let this die on the Appropriation Table." I wish that we had one decision to follow through with all bills of this type that require appropriations. Are we going to make a decision one day and say "let's do it now, let's make a decision, let's show that we are responsible" and then the next time, "no, let it go through, let it die on the Appropriation Table." Let's please be consistent.

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

Mr. CAREY: Mr. Speaker and Members of the House: I appreciate the remarks of the gentleman from Sabattus. We are not geared to coming out with a package showing all of our bills at the very same time. As a matter of fact, we have discussed within the committee the possibility of getting some sort of a handout or a printout showing exactly what is before the Taxation Committee, showing you exactly what is going to be the cost of these items and then letting you, hopefully, make up your mind saying "well, I'll go along with \$100,000 or \$200,000 worth of these exemption bills" and then you pick out the ones that you would want and when they hit the floor then you could vote the way you wanted to. We are not geared that way.

The Speaker is well aware that we are getting pressure and the chairmen of the committees are getting aware that we are getting pressure to report bills out. We're reporting those bills out. You won't see too many revenue bills coming out of Taxation at this time. Those we are hanging onto. If and when there is a need for new money, we will then have those bills before us. But we are turning out the exemption bills and we are hearing some more again tomorrow and we are hearing 14 more of them again next Tuesday. So you're going to be getting them piecemeal. I suggest you may want to check in the meantime with either the clerk of Taxation or the information room to see exactly what is coming up. But there is a fantastic price tag on all of these things. If you are so inclined, you can table this thing and try to carry it along on the table until other stuff comes along. That, obviously, is the intent of the Appropriations Table. This is why I had supported the Appropriations Table for the House originally.

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

Mr. NORRIS: Speaker, Ladies and Gentlemen of the House: I've noticed from the Taxation Committee this morning we have three reports, one deals with children, one deals with the elderly, and the third one deals with industry. I am going to vote in favor of all three. I simply would ask this House, and Mr. Carey put it very well, that we do have a table to place

these on, it is the Appropriations Table. So I am going to vote for all three bills and give the elderly and the children, put them on an equal basis on the table with industry. I noticed that the committee is very strong for the industry bill and a little short on the children and the elderly bill.

Now, we talk of funds. The Governor, in his message here the other day, said that he was going to provide these funds for human service programs. The conversation I am hearing here this morning, some of you are asking us to sustain the Governor's veto so we will have money enough to take care of these programs at the end of the session — I hope not. So I would hope that you would give the children and the elderly and the industry the same break this morning.

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

A vote of the House was taken.

Whereupon, Mrs. Post of Owl's Head 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 Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: It seems to me that when we decide to send the appropriations bills out to the committees to consider, that what they were supposed to do was to decide whether the bills had merit or not and not to decide, yes, the bill has merit but it costs too much money. I think that is an appropriations decision and that is a decision that the entire legislature has to make at the end of the session. If the committee felt that the bill had merit, and I take it that even those who voted ought not to pass felt that it did, then I think that the House ought to vote to accept the "ought to pass" report or vote against the "ought not to pass report." Then we will make these decisions on whether or not there is enough money on all of them at the end.

Mr. Carey of Waterville was granted permission to speak a third time.

Mr. CAREY: Mr. Speaker, I will be extremely brief. I think you will find that most bills that finally reach the Taxation Committee are, in fact, worthy bills. I think you will find that if you are a sponsor of a bill, you will find that your bill is most worthy. And I think you will find that if you are a chairman of any other committee or a member of any other committee you will find that about 98 percent of all the bills that come before this legislature are worthy bills. That argument about leaving it all up to Appropriations to decide what happens and what does not is not really the criteria that I try to use in this House, even as a past member of the Appropriations Committee.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think that the way the system is supposed to work is that it is not necessarily just left up to the Appropriations Committee. It was explained to us when we first came here that this year what was going to happen was that each committee would hear the bills, report out those that they thought had worth, then at the end of the session, for those bills that went through the committee that were still on the Appropriations Table, then they would sort of rank them in priorities of all those that they heard and make recommendations to the Ap-

propriations Committee which, indeed, would have the final say along with leadership.

I think this is the only way that we can avoid the piecemeal approach that Representative Carey spoke about earlier. The only way it can be avoided, either by the Taxation Committee or by this body, is to pass those bills that we think are worthy then take a look at them all once they are on Appropriations Table, decide which ones we can fund with the money we have available and which, if any, are worth any increases in taxes. That is the only way we can make a reasonable decision.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I would like to clarify my last statement. I certainly didn't mean that the Appropriations Committee was going to make that decision. I thought I said it would be made by the full legislature. Mrs. Post has expressed my idea of how I thought it was supposed to work, that each committee would prioritize all the money bills that they have heard and then make their recommendation to the Appropriations Committee and to the entire legislature.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: It is interesting this morning to look at the tally board and how the vote is coming down on this issue in comparison to last week on spending \$30,000 for the Arthritis Foundation. Apparently, there are more of you in the house who know people with arthritis than you know people in day care centers. That is basically how the vote is coming down this morning when you are talking about appropriations. You are talking, today, \$10,000; last week you were talking \$30,000, and I find it a little amusing on how the votes are taken. I think the question before us is, are we going to be responsible enough to start making these decisions in the House instead of sending it over to appropriations? That is the question; it is that simple on every one of these bills. You in the House have decided not to have an Appropriations Table so, therefore, as I see it, when you made that decision, you made the decision that you were going to take stands in the House. You said no Appropriations Table, we can handle it, but now you are saying send it to the other body. And I think that you are going in the wrong direction.

I fully support day care centers. There is one area that I think we need to improve, but I am going to vote with the ought not to pass report, not because I am opposed to it, it is just because I am looking at the financial strains that we're facing here in the State of Maine. And I think each of you should take that same responsibility.

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

Mr. COX: Ladies and Gentlemen of the House: There's one thing that we have only touched on I think tangentially here this morning about the responsibilities of the Taxation Committee on these exemption bills. We are getting them confused with the Appropriations. Now Appropriations, generally speaking, is concerned with this year's appropriations. When we consider these, we are considering a change in tax policy which will continue year after year unless further action is taken. The problem I have with these sales tax exemption bills is that the cumulative effect of these will be to practically repeal the sales tax if it continues over the years. I just don't see that we can continually pass these bills which benefit worthy causes, but at the same time, what we are effectively doing is transferring some of the tax burden to somebody else when we make these permanent, at least relatively permanent decisions about tax policy, which is why I am being a bit of a

Scrooge on the Taxation Committee and reporting "ought not to pass" on so many of these exemption bills.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the Majority "Ought Not to Pass" Report be accepted. Those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Bennett, Berry, Berube, Biron, Birt, Boudreau, P.; Brown, K.L.; Bunker, Carey, Carrier, Carter, D.; Carter, F.; Churchill, Cox, Cunningham, Devoe, Dow, Drinkwater, Dudley, Dutremble, Fenlason, Garsoe, Gauthier, Gill, Gillis, Gould, Hall, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kilcoyne, LaPlante, LeBlanc, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, McBreairty, McHenry, McKean, McMahan, McPherson, Morton, Palmer, Peltier, Perkins, Peterson, Plourde, Raymond, Rideout, Shute, Silsby, Smith, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Tozier, Trafton, Truman, Twitchell, Whittemore, Wilfong.

NAY — Beaulieu, Benoit, Blodgett, Boudreau, A.; Brenerman, Brown, K.C.; Bustin, Byers, Chonko, Clark Conners, Connolly, Curran, Davies, Dexter, Diamond, Durgin, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Gray, Green, Henderson, Hickey, Hobbins, Kane, Kany, Kelleher, Kerry, Laffin, Lewis, Locke, Martin, A.; Masterton, Maxwell, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Post, Prescott, Quinn, Rollins, Spencer, Sprowl, Stubbs, Talbot, Theriault, Tierney, Valentine, Wood, Wyman.

ABSENT — Burns, Carroll, Cote, Elias, Greenlaw, Howe, Peakes, Tyndale.

Yes, 84; No, 58; Absent, 8.

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

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Exempt Nonprofit Boarding Care Facilities for the Aged from the Sales Tax" (H. P. 444) (L. D. 551)

Report was signed by the following members:

Messrs. MARTIN of Aroostook

JACKSON of Cumberland

WYMAN of Washington

-of the Senate.

Messrs. IMMONEN of West Paris

CAREY of Waterville

COX of Brewer

MACKEL of Wells

TEAGUE of Farifield

Mrs. CHONKO of Topsham

Messrs. CARTER of Bangor

TWITCHELL of Norway

-of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-200) on same Bill.

Report was signed by the following members:

Mr. MAXWELL of Jay

Mrs. POST of Owls Head

-of the House.

Reports were read.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This is another one of those tough decisions that the Taxation Com-

mittee has had to make and I want to extend my personal thanks to the gentleman from Brewer, Mr. Cox, for putting the committee's position so much in perspective, that of policy. The committee can hardly wait for the bill that the young gentleman from Portland, Mr. Brenerman is presenting which would get us into a position where we could have sunset laws on exemptions. I would think that will meet with tremendous favor on our particular committee. Again, it is my sad duty, Mr. Speaker, to ask that we accept the Majority "Ought Not to Pass" Report.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: If you remember the speech that I made last time on the last issue, the same thing goes for this one, only now we are talking about the elderly. We have already passed a \$500,000 tax exemption for airplanes, now we are talking about boarding homes for the elderly. To save a little time, I will ask for roll call.

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

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

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

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Bennett, Berry, Biron, Birt, Boudreau, P.; Brown, L.; Bunker, Carey, Carter, D.; Carter, F.; Chonko, Churchill, Cox, Cunningham, Devoe, Diamond, Dow, Drinkwater, Dudley, Fenlason, Garsoe, Gill, Gillis, Gould, Hall, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kilcoyne, LaPlante, LeBlanc, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, McBreairty, McHenry, McMahan, McPherson, Morton, Nadeau, Palmer, Peltier, Perkins, Plourde, Raymond, Rideout, Silsby, Smith, Stover, Stubbs, Tarr, Teague, Torrey, Tozier, Trafton, Truman, Twitchell, Whittemore.

NAY — Beaulieu, Benoit, Berube, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bustin, Byers, Carrier, Carroll, Clark, Conners, Connolly, Curran, Dexter, Durgin, Dutremble, Flanagan, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Green, Henderson, Hickey, Hobbins, Howe, Jacques, Kane, Kany, Kelleher, Kerry, Laffin, Lewis, Locke, Martin, A.; Masterton, Maxwell, McKean, Mills, Mitchell, Moody, Nelson, M.; Nelson, N.; Norris, Pearson, Peterson, Post, Prescott, Quinn, Rollins, Shute, Spencer, Sprowl, Talbot, Tarbell, Theriault, Tierney, Valentine, Wilfong, Wood, Wyman.

ABSENT — Burns, Cote, Davies, Elias, Greenlaw, Najarian, Peakes, Strout, Tyndale.

Yes, 77; No, 64; Absent, 9.

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

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Change the Sales Tax Basis on Fuel Oil from Price to Volume" (H. P. 784) (L. D. 936)

Report was signed by the following members:

Messrs. JACKSON of Cumberland  
WYMAN of Washington  
MARTIN of Aroostook

-of the Senate

Messrs. MAXWELL of Jay  
IMMONEN of West Paris  
CARTER of Bangor  
TEAGUE of Farfield  
CAREY of Waterville  
COX of Brewer  
MACKEL of Wells  
TWITCHELL of Norway

-of the House.

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

Report was signed by the following members:

Mrs. POST of Owls Head  
CHONKO of Topsham

-of the House.

Reports were read.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Unlike the previous two bills, which were loss of revenue bills, this is not one which will create a loss of revenue, at least during this particular session of the legislature. It is a bill which places a limit on the sales tax on fuel oil. Currently, the price is running about \$12.50 a barrel and the upper limit would be \$15 per barrel. The state has had a windfall over the last few years, when oil went from \$2.70 a barrel, and they were getting 5 percent sales tax on that, up to the price where it is now \$12.50 a barrel and the state gets a 5 percent sales tax on that.

I understand that Transportation has a similar bill where they would like to get away from the — it is just the opposite, as a matter of fact. The gasoline bill would change from a tax on a gallon and put a tax on the sales price. This one is the reverse of that. There is no loss of revenue and I would therefore move, Mr. Speaker, that we accept the Majority "Ought to Pass" Report.

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

Mr. TIERNEY: Mr. Speaker, I would like to ask a question of my good friend from Waterville, Mr. Carey. As I read L. D. 936, the Statement of Facts refers to only fuel used in industries and yet the title of the bill says the sales tax basis on fuel oil, and I would like to have him explain whether this is a benefit which would occur to the homeowner or just a tax break for industrial use?

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to the gentleman from Waterville, Mr. Carey, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would respond to the gentleman from Lisbon Falls, Mr. Tierney, that the exemption is for industry and commercial users of the fuel oil and I would further turn around and ask him a question if there is, in fact, a sales tax on home consumption of fuel oil?

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This was, again, one of the tough decisions that the Taxation Committee had to make, and this time what we got to do was we got to give a tax break to only industrial and manufacturing processors. I would say, by the way, not to all commercial organizations, without a price tag, without stating money and without having it go on the Appropriations Table and we don't have to raise taxes because it won't become effective until next year. Next

year we have to raise taxes, not this year. Next year we have to pay for it. It is really a good deal. I think maybe what we should have done with some of the other sales tax exemption bills was to have them become effective next year, then they wouldn't have had a price tag on them for this year so that way they wouldn't have to sit on the Appropriations Table. That is why I voted against it.

The way the bill is written, it not only means fuel oil used in the manufacturing process, say to run the machines, it also can be interpreted to mean to heat the building. There was some discussion in committee about putting an amendment on to clarify that but that went down the drain. I didn't follow it up since I wasn't interested in this bill anyway because it doesn't have a price tag on it. It only pertains to industrial and the manufacturing process. It does not pertain to, say, a store that buys fuel oil for heating purposes. It is only places like Great Northern that will get this tax break. They will probably get it next year because you and I all know what is supposed to happen to the price of fuel.

If you want to vote for this bill and you want to support this bill, fine, but put a price tag on it and let it go along over on the Appropriations Table and go through the same process every other bill does. Don't try to by-pass the process. I mean, they are pretty smart, the people that did it, but don't try to by-pass the process by saying there is no price tag, it won't cost us any money. Next year you won't have a choice, because next year you may come back here and you may decide that you can't afford to give that tax break to Great Northern but what is going to happen is, we made a commitment, we have got to increase the taxes to pay for it. I would ask at least for a division on this particular bill.

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

Ms. GOODWIN: Mr. Speaker, I would like to pose a question to any member of the Taxation Committee. Do they have any estimate of what the future cost of this program would be?

The SPEAKER: The gentlewoman from Bath, Ms. Goodwin, has posed a question through the Chair to any member of the Taxation Committee who may care to answer.

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

Mr. CAREY: Mr. Speaker, that question was asked of industry leaders when they were at the meeting and they said that they could not see in the foreseeable future, which to them meant five years, the cost of oil going past the \$15 mark and, in fact, during the current last three months period, they had a reduction of 50 cents a barrel on the cost of oil to industries.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I am assuming, of course, that the industry representatives were trying to be objective at the time they gave us that statement. However, that was before President Carter's energy message and I think we all know what that meant in terms of what we can expect to happen with the price of oil.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: This bill seems to be like another one of Mr. Wood's custard pies, and I would suggest what is sauce for the goose is sauce for the gander, and this piece of legislation ought to get the same treatment that the elderly and the children got just a few minutes ago.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I mentioned this bill briefly when I spoke on the first bill, my bill I

don't debate, and I voted, as I said then, I voted in favor of both of those bills. I am going to be consistent, I am going to vote in favor of this bill, but in order to keep the record straight and find out where our priorities lie, I am going to ask for the yeas and nays.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I am glad the gentleman from Brewer is being consistent and I applaud him for that, but certainly the majority of this committee wasn't. I would be embarrassed, I think, if the second bill had come out — if I had been on this committee — and the third bill that came out the same day the first two did. Look at the Statement of Fact. The state has enjoyed windfall profits, amazing. The State of Maine getting windfall profits, I never heard of such a thing, and I hope you vote against the bill.

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

Mr. CONNOLLY: Mr. Speaker, I would like to pose two questions through the Chair, one to the gentleman from Waterville, Mr. Carey and one a parliamentary inquiry to the Chair? If, in fact, as you say, the effect of this bill won't be felt for a number of years down the road, four or five years down the road, what is the point in passing this particular bill now without any fiscal note?

Mr. Speaker, if in the future, as people say, this is going to cost the state a certain amount of money. Would not this bill be in violation of Joint Rule 28 that requires a fiscal note, or at least a statement?

The SPEAKER: The Chair would call your attention to Joint Rule 28 which reads, "Every bill or resolve affecting revenue appropriations shall be accompanied by a written statement to the amount involved." The Chair would rule that this bill, until it has a fiscal note and which may be added at second reading, would be in violation of the rules.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The price currently on oil that industry buys is \$12.50 a barrel. Until that price gets to \$15 a barrel, there is no loss of revenue to the state and, in fact, if the price gets to \$15 per barrel, there will be an increase in revenues to the state of some 12½ cents per barrel based on the 5 percent sales tax, so that currently there is no loss of revenue. As a matter of fact, there is a capability of about \$2.50 built in for an increase in revenues and I would assume, Mr. Speaker, that that very same ruling might have held on the previous bill, the bill that Mrs. Post did not quite debate so heartily because that did not have a fiscal note. It seems strange that a bill that she may favor, a bill that would cost us immediately some money, did not have a fiscal note but one which had possibly long range effects, that which will be effective to us only after the \$15 figure, might become of so much interest to her.

The SPEAKER: The Chair would like to, at this point, remind the members of the House and the various members of the committee that any bill which comes out of any committee affecting revenue and appropriations thereto, must conform with the Joint Rules.

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

Mr. KELLEHER: Mr. Speaker, I move that this bill be recommitted to the Committee on Taxation.

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

Mrs. HUBER: Mr. Speaker, Members of the House: In reference to the remarks made by the Chairman of Taxation, I would only point out to you that the potential for the increased tax revenue of up to \$15 already exists without

this bill. What we are doing is cutting it off at \$15 if this bill were to be passed.

The second point that I would like to make is, I would suggest you all ask yourselves, what does this bill do to conserve energy? Because remember that that oil used by industry is also used by everybody else.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I guess I have to come to the defense of my bill. A few questions were asked about, if the price is going to go up in the future, why pass the bill now? As we know, in 1973, the price of fuel oil, we are talking about Bunker C oil, Bunker C oil used in manufacturing, by all businesses in the state, Bunker C oil is used by the local gas stations to heat their buildings, as we know, in 1973, the price of industrial fuel oil was about \$1.50 for a 42 gallon barrel. On that \$1.50 price, at a 5 percent sales tax, the state was receiving about 13 cents — 13 cents for every 42 gallon barrel. In 1974, the price went up to \$8.40, then the price went up to \$12 in a matter of two years. So the state's revenues have increased, from 1973 to the present, about 500 percent simply from the 5 percent sales tax on industrial fuel oil.

People say, why set a \$15 ceiling? I think you set the ceiling to guard against those kinds of increases, those kinds of increases, which none of us can do anything about. The price is dictated by OPEC. We import most of our industrial fuel oil and I think the rationality behind the bill is, if the price should go to \$25 a barrel tomorrow, we need some protection against that kind of thing happening. I can only say that the state was receiving, as I said, 13 cents four years ago for a 42 gallon barrel and now they are getting about 63 cents and spending it as fast as they get it.

Who is paying for this 5 percent sales tax? You and I are paying it, it is passed right through. As a matter of fact, in terms of fuel adjustment clause, we are paying a 5 percent sales tax on the fuel adjustment clause and then we are paying a 5 percent sales tax on the electricity the fuel oil generates, so we are paying 10 percent.

Like Mr. Carey said, this bill essentially provides for an increase in that the price now is about \$12.50 and we are setting a ceiling of \$15. There is no reason why a future legislature, if the price should go to \$16, might not come back and say, we are going to take the \$15 ceiling off, but I think this \$15 ceiling is simply a protection against a dramatic increase, as a result of whatever OPEC decides to do with oil. You know, they can decide to raise the price to \$30 tomorrow if they wish.

People have said, well, everything else has gone up, why shouldn't people continue to pay the 5 percent sales tax? I would hypothesize that not everything else has gone up 500 percent in three years. I think things have definitely gone up but I don't think there is any correlation between domestic inflation and the price dictated by OPEC, there is no correlation there at all.

Therefore, I hope you vote against the move of Mr. Kelleher to recommit.

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

Mr. KELLEHER: Mr. Speaker, I would ask Leave to Withdraw of this House of my motion, to recommit.

I move that this bill and both reports be indefinitely postponed.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify one thing that Mr. Carey said about Mrs. Post and the fiscal note on the previous bill. The fiscal note was sent to me from the Tax Division and I presented it to the committee, so they did have

a fiscal note and, again, just to keep the record straight, I would ask for the yeas and nays on the indefinite postponement motion.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say that as Mr. Carey did note, there is no fiscal note in this bill, and I really don't think we have to be paranoid about the fact that the state is going to lose some money. I think the legislature can look at the ceiling price any time they want. If it wants to next year, it can do that. There isn't really any correlation between inflation and what the price could be. This year, people have said the state is getting a \$120 million more revenue than they did last year and we are looking for revenue every time we turn around.

I really think that industry has done its part. I think paying a 5 percent sales tax, 500 percent increase in three years, I don't think you can look at that and say, well, let them continue to pay it. I think it is unfair. I think to set the ceiling would give those people a little break and it would give everybody a little break. That 5 percent is just going to be passed on to us anyway, it really doesn't matter, and I would hope that you would vote against the motion.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I have been watching this bill as it progressed through the legislature and I misinterpreted the intent of the bill. I felt that it was a people's bill, that it would help homeowners that heat their homes with oil. I now find that this is an industry bill. I think there are a lot of us that had the same misinterpretation of the bill.

I would hope that you would vote to indefinitely postpone this bill. It doesn't give the homeowner or the consumer any break at all. It just gives industry a break and I think the people deserve a break rather than industry.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman that the people need a break and I would hope that if he felt that way, he would have put a bill in to do that. To get up here and say the people need a break, I agree. I wish he had put a bill in to do that and I would have voted with him.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I want to go on record in terms of the issues of the price tags on the Statement of Fact, as Representative Carey is very well aware, since I approached him this morning as I also did the Speaker of the House, I was very much concerned when the two bills on Day Care and Boarding Home Facilities for the Aged came out without a price tag on them since they were presented to our Staff Assistant and it was my understanding that they would come out with those price tags on the bills. In fact, I had a note from him right here which says there was a mixup and the amendments were prepared but not printed up. It was my understanding that if either one of those bills went to second reading, since I have the information now, I am perfectly prepared to put those amendments on in the second reading since they came out of committee by mistake.

The difference with this bill is, it came out of committee with no intention of putting on a price tag and in fact the Statement of Fact, says that it doesn't have to be.

I hope that you will support the motion to indefinitely postpone this bill.

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

Mr. MacEACHERN: Mr. Speaker, Ladies

and Gentlemen of the House: I would just like to reply to the good gentleman sitting in front of me here, I am going to do something for the people, I am going to vote against this bill.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I think I need to remind the House of one point here in which we are saying this is only a bill for industry. Since it refers to oil that is used in the generation of electricity, the people, if the price goes this high, would also receive some benefits by their fuel adjustment clause charges not going quite so high.

I don't know as I am one who considers himself one of the best friends of industry, but I think we do need some protection because of a sudden, dramatic rise in a case of oil, especially some marginal industries might not find themselves, or might because of this rise, find themselves faced with a sudden and disastrous rise in their expenses. I am thinking particularly of the tanning industry which is just about done in the State of Maine, and I am sure that they are right on the borderline, the few that are left, and I was particularly thinking of industries of this type and not voting to help particularly, we will say, Great Northern Paper Company.

Mr. Boudreau of Waterville was granted permission to speak a third time.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a comment about this dichotomy in this body between industry and people. Where do the people of Maine work? Do they work in industry or do they have some other kind of thing that they do somewhere? I would tend to believe that industry and the people of Maine are one. They are not two different things, they are not one against the other. I don't understand these people who get up here and say, this is an industry bill and it is an anti-people bill. The people of Maine, all kinds of people are involved in business, in industry, and I can't see the dichotomy between those two groups. I think those two groups are essentially one.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: If I am not incorrect, it seems to me I was at the basis or at the beginning of this bill. I attended a meeting in Waterville, my seatmate was there at the same time, and I listened to industry moan and groan about how it was costing them \$2 million a year more because of the taxes put on oil. I listened to them make statements where labor was giving them six hours of work for eight, and after awhile, I got kind of fed up with it and I told them that I had listened to all the problems that I could up to here. I never saw a financial statement by any of those companies — it was always in the black and if it wasn't, all they had to do was go up with their tissue paper a quarter of a cent a roll and they are back in business again.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: One of the big regrets of my service here in the House during this term is that I am not serving on the Taxation Committee and the only amelioration is that I am serving on the Appropriations Committee and I certainly enjoy that Mr. Speaker, so I am not opposed to being on it.

However, I deeply regret that I wasn't in the committee in order to have an opportunity to listen to the testimony and to discuss this bill, but I have been listening very carefully this morning and I think I know how I am going to come down. The testimony is that the industry spokesman who spoke said that actually we wouldn't reach this price so the bill would have



no effect, and if that is the case, I guess my first question agrees with the one posed by the gentleman from Portland, Mr. Connolly, why do we need the bill now?

I am not up here because I am opposed to industry or opposed to people or for industry or for people, because I think this morning I am standing here representing the State of Maine and I think it is a bad policy to have a specially tailored exemption in the tax laws. I focused on exemptions when I first came here and was just amazed at the number of them. This is one of the most carefully drawn ones I have ever seen.

The gas tax was mentioned earlier, and I will just mention in passing, that is that one of the problems of the Highway Fund has been that the gas tax was not a sales tax and, hence, it did not follow the inflationary spiral. That is one of the great things about the sales tax as a medium of taxation, that it follows the inflationary spiral and, unfortunately, the products and the wages and the things that the State of Maine has to buy follow the inflationary spiral. The income tax and the sales tax tend to parallel that; hence, we do have the revenues necessary.

I am opposing this bill and will vote for the indefinite postponement because I believe that it would be an extremely bad policy move for the State of Maine to make, to make this kind of an exemption on the sales tax.

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

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

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I just want to take a moment and say that I have learned a very basic lesson in economics this morning. It has always been my impression, up until this debate, that any cost of industry or business which has increased was usually passed on to the consumer.

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

**ROLL CALL**

YEA — Aloupis, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bustin, Byers, Carroll, Chonko, Clark, Connolly, Cote, Curran, Davies, Devoe, Dexter, Diamond, Dow, Dutremble, Fenlason, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Jacques, Jalbert, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Peltier, Plourde, Post, Prescott, Raymond, Silsby, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Thierault, Tierney, Torrey, Tozier, Trafton, Truman, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Ault, Austin, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carey, Carrier, Carter, D.; Carter, F.; Churchill, Connors, Cox, Cunningham, Drinkwater, Dudley, Durgin, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Hutchings, Immonen, Jackson, Kany, Lewis, Littlefield, Lougee, Mackel, Masterton, Maxwell, McBrearty, Norris, Palmer, Perkins,

Peterson, Quinn, Rideout, Rollins, Shute, Smith, Tarbell, Tarr, Teague, Twitchell.

Yes, 99; No, 47; Absent, 5.

The SPEAKER: Ninety-nine having voted in the affirmative and forty-seven in the negative, with five being absent, the motion does prevail.

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby this Bill and all its accompanying papers were indefinitely postponed and hope you all vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, having voted on the prevailing side, now moves that the House reconsider its action whereby this Bill was indefinitely postponed. Those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

**Divided Report**

Report "A" of the Committee on Natural Resources reporting "Ought to Pass" on Bill "An Act to Authorize a Citizen to Initiate Law Suits as a Private Attorney General to Protect Environmental Quality" (H. P. 530) (L. D. 646)

Report was signed by the following members:

- Mr. BLODGETT of Waldoboro
- Ms. BENOIT of So. Portland
- Messrs. DEXTER of Kingfield
- GREEN of Auburn
- WILFONG of Stow
- HALL of Sangerville

— of the House.

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

Report was signed by the following members:

- Messrs. O'LEARY of Oxford
- TROTZKY of Penobscot
- REDMOND of Somerset

— of the Senate.

- Mr. HUNTER of Benton
- Miss BROWN of Bethel
- Mrs. HUBER of Falmouth

— of the House.

Reports were read.

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

Mr. BLODGETT: Mr. Speaker, I move the acceptance of Report A, "Ought to Pass."

This bill is a very simple bill, a very short bill. It would simply provide for more effective enforcement of already existing laws. There is nothing in this bill which would make any more laws except, as I said before, just the simple enforcement of the present laws.

The bill has several safeguards against frivolous or harassing civil suits. Despite charges that we have been hearing lately to the contrary, there is no hard evidence that there would be a number of suits coming out of this. Some of the safeguards I would like to enumerate for you which are outlined in the bill itself. One of these would be that a 60-day period must be given to the government agency, the appropriate agency, in order to check out any alleged violation. If there is no violation, the person who is making the charge has no grounds to make any further action.

The most important part of this writ's restraint would be found on the second page. Here in Part B, Paragraph 5, the statement that the court may require a bond if a temporary restraining order or a preliminary injunction is sought. We all know that this is a very expensive operation to put up any bond money and the idea that some people are putting out, that there are people around the state who can't wait to put up thousands of dollars of bond money on frivolous suits so they can lose thousands of dollars, is absolutely ridiculous.

I might relate to you some of the testimony by the people who are opposed to the bill. By the way, there were no citizens there opposed to it. It was primarily a case of several large paper companies who were opposed. They said the very idea that citizens should get involved is preposterous. They said that "the state can enforce its own laws without any help from citizens." In fact, they said that the agencies were doing such a terrific job, if they need any extra help, we ought to give them more people. This is the first time in the history, I think, of the state, that you will find these people asking to have the government agencies enlarged with more people being hired.

This is a citizen's bill. It allows more people to be involved in the enforcement of our present laws. I would urge you to accept Report A.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: With all due respect to the sponsor of this bill, I think the contents in this bill are probably the most undemocratic and unAmerican that I have ever seen. This is implementing a big brother system, and the big brother system, according to fiction, was not to come until 1980, it is now coming two years earlier. All we need now is a closed circuit camera.

Can you imagine what would happen in a community with neighbors against neighbors regardless of the protective clause that is supposedly in here? If you have someone who is fairly wealthy, doesn't like his neighbor, anything can happen.

You know the conservation of any other natural resource, including energy, is what this says in this book, in the law right here, someone goes on vacation and leaves the light on, nail him, he is wasting energy. A guy goes into a store and leaves his car idling, get him. Many, many things can come out of this bill. It is not a citizen's bill.

We are already wondering whether we gave too much power to the bureaus and to the commissions and to the departments, and now we want to put out hundreds of thousands of private attorney generals out there implementing all these laws against their own neighbors. I don't think this is very fair.

Take good care before you vote on this and reflect it and read it and read the law and the ramifications of this bill, what could happen. When you consider natural resources, also consider human resource and human energy. What this will do is that human resource and human energy will be wasted in courts, will be wasted in fighting neighbor against neighbor. This is not what our Constitution is based on. It is based on the pursuit of happiness. This would take this away because you would always have to be wondering if someone is looking over your shoulder no matter what you do. You cut down wood, you use it for a barbecue, you are wasting energy, you should use it for heating.

We have a God given freedom and a human given freedom through our Constitution, and this should be allowed to remain to us. I see only problems with this bill, problems for our democracy, only problems for the freedom that we have in this country, and I move for indefinite postponement of this bill and I ask for the yeas and nays.

The SPEAKER: The Chair recognize the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This bill takes the authority of the Department of Environmental Protection and hands it over to any citizen in the United States, not just Maine residents but any citizen. The DEP has somewhat of an expertise in dealing with Maine's environmental laws, energy, natural resource laws and their professional decision is ignored in deciding whether or not a violation has taken place if this

bill passes. L. D. 644 would allow each citizen to become a private enforcer against his neighbor in a violation of hundreds of laws relating to environment.

I would ask that you accept the "Ought Not to Pass" Report.

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

Mr. CARRIER: Mr. Speaker, Members of the House: This is a very important bill and whatever I say today is no reflection on any individual or any member of the committee. Really, this is not a citizen's bill. This is far from being a citizen's bill. This is actually a bill that will give the right to people to harass others in all kinds of situations such as we have in Westbrook with the smell of the mill down there or maybe by the smell of someone's house down there, if you happen to pass by and you see their septic tank seeping, you could bring action against them. If the beaches aren't clean, you could bring action against plumbing, any noise that snowmobiles make. The fact is, this bill, as was said before, it wouldn't give any more power to the ones that bring the action.

The present federal statute states that you have to be adversely affected in order for you to bring an action against anyone. This bill does not do this. With this bill, you could bring action against anyone. You don't have to have any cards or bonds, you can make all kinds of allegations, whether they are true or not. I was here six or eight years ago when we had this same kind of bill and we killed it. It isn't any better now. It doesn't do anything for anyone except to harass people in anything you might do such as clamming, ice fishing, anything you want to do.

I submit to you that this is not a good bill. I want to quote a few things here. Contrary to fact, when people say they want to give a right to somebody to sue anyone, I think this is wrong, because you could have people from out-of-state that are visiting right here in this state today, they don't like something or some smell you have out here in the parking lot, they would put a suit against this state or against the owner of the parking lot and take off again for wherever they came from and there is nothing you can do about it. All they can do is put you through a big expense and I don't think we should allow this stuff. I don't think we should allow citizens to turn around, just because they don't like you, and make allegations that you are breaking some law when in fact you are not.

I submit to you that this is — no reflection again to all my friends in this House and others — this is actually a lawyer's relief tax. If you look at this bill, on the second page, it says that they, the court has the right to pay attorneys to fight their cause and also experts. In other words, they are degrading the attorney because it says, lawyers or experts. These lawyers are supposed to be experts, if they aren't, they shouldn't be there in the first place.

I think this is a relief act for the lawyers. I know there are only a few that get involved in environmental laws. I don't believe that the filing of securities, of tying up people's property, tying up with bonds, should be allowed. I think the motion to indefinitely postpone is a very wise one.

The testimony of the proponents of this bill — this is interesting because there were five people that was there and testified in favor of this bill and four of them were lawyers, environmental lawyers, that is what they were. Yet, you had 14 opponents to the bill. There were individuals too that were interested in the things of this state. They all didn't come to talk for some departments, but even if they did, that is their right too. This is not a simple bill, this is the type of a bill that would have great effect on a lot of people, and I submit to you that you should, in your best judgment, vote for the indefinite postponement of this bill.

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

Ms. BENOIT: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I sat through three and a half hours of testimony on this bill. I thought it was quite interesting that perhaps there were lawyers who spoke in favor of it, but believe me, there were many who spoke against it, and they were lobbyists for industry.

As I understood this bill, you cannot file a suit unless the person or the industry or the agency, etc., in non-compliance with the law. If they are in compliance or have been granted a variance or a permit, then you cannot bring a lawsuit against them.

To me, it just seems that we are making a big deal out of this. Maybe I am wrong, but I just can't see people going in and suing their neighbor for having a barbecue which, first of all, I don't believe is against the law. I don't know that this is as bad a bill as some think it is.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I am really kind of at a loss for words here today. I missed the public hearing on this bill for one reason or another, but as I interpret this bill, I read the outcome of the public hearing in the papers, several newspapers carried interesting reports, and one of the opponents, as I understand it, to this particular bill was the owner of 12 corporations in this state and he introduced himself as a small Maine farmer trying to appease sympathy of the committee, perhaps trying to deceive members of the committee as well.

As I interpret this bill, I would like to respond to a couple of comments made by the good gentleman from Sabattus, Mr. LaPlante, with regards to harassment, putting neighbor against neighbor, people spying on one another, things of this nature. I would contend that there are a couple of good safeguards in this bill that have been pointed out already which were put into the bill, as I saw it, to take care of unnecessary harassment on the part of neighbor against neighbor.

I would also contend that with or without this law, we still have unnecessary harassment of neighbor against neighbor with regard to dogs, parking arrangements, leaking cesspool tanks, for example, in someone's back yard; DEP here in Augusta has limited resources, and I think we should recognize that fact, and all this bill does, it allows the citizens of this state to have some recourse other than going through the elective process, contacting their local officials. I have gotten many a phone call since being in political life, the short period of time that I have, a couple of years. I am also on the city council in the City of Auburn, and I have gotten a lot of phone calls from people during the last couple of years regarding problems, things that they are not happy with. Their next door neighbor, for example, might be violating a city ordinance by parking his car on the wrong side of the street at night. We have a process to go through with regards to that.

This bill, as I see it, you still have 60 days for the board to consider that and it does cost money to bring suit. I have never sued anyone, and I would venture to say that a good majority of the people in this House have never brought suit against another individual or firm or whatever because it does cost money. I think those two provisions alone in this bill are important and would help eliminate unnecessary harassment. But what other recourse does the citizen have if his elected official or if the Department of Environmental Protection doesn't help? Let's face it. DEP has literally hundreds of these on file, various complaints from citizens, complaints from elected officials, complaints from municipal officials, so

on and so forth. What other recourse does the citizen have? If I check with DEP and DEP tells me, well, it is not that important, they are not violating the law or this or that, so I get back to the constituent, a citizen, and I explain the situation to them, but they still have to live with that raw sewerage, they still have to live with the problem that might be created that this law is attempting to correct.

I think the good gentleman from Sabattus pointed out that this is the worst bill he has ever seen, or one of the worst, and I would only contend that the people who are afraid of this bill are the people who are breaking the law.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: I believe if I remember correctly, we passed a law in this House — we denied, we didn't pass one, but we denied the liquor inspectors the right to have a blue light. These people are partially trained at least. I would appear to me that this bill here is giving the citizen, not only in this state but any state that happened to be here, the right to enforce the environmental laws that we have in this state.

As far as the cost to the individual so that they wouldn't be making suits, or instigating suits against the people, maybe this would be in the form of a question, but the suit could probably be taken care of by the Pine Tree Legal Association. I believe this is the way that works. Therefore, I would be very much afraid of this bill and therefore very much against it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think we are wasting a lot of this body's time. I think the bill is going to die, and if you will read the "ought not to pass" report and see the signers, you will see where it is going to die. That ought to be good enough and we shouldn't waste any more time on it.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "ought not to pass" report, I thought I ought to say a few words.

This bill has been before this legislature several times; it has been defeated and I hope it is today. I have sat here and heard people speak about this being a bad bill, and this one certainly is a bad bill, it is worse than any I have seen in here.

The sponsor of the bill said that this bill does practically nothing. But I contend that if this did practically nothing, it wouldn't be in here. I feel the same way as some of the others who just spoke, that this would turn neighbor against neighbor.

I knew at the hearing what all the lawyers were going to say on both sides, but there was one individual who did oppose this bill, and he was a small horse farmer out in Wayne, Maine, and he is having problems already. You can imagine what will happen if this bill did pass. You can imagine what would happen to all the dairy and poultry farmers in the state of Maine. Some moneybags could move in from out of state, he could buy a piece of land right side of this farmer and this farmer could have used this field, spread manure on for years, but if he comes in there and builds a million dollar house with all the trimmings, you can imagine what is going to happen. I hope that we do defeat this.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker and Members of the House: As a member of this committee, I thought maybe I should say a few words, everyone else has.

I am reminded of 50,000 cord of wood in Baxter State Park laying there rotting simply

because five bearded freaks decided that shouldn't be harvested. They didn't have to put up a cent. They went to a friendly judge, apparently, because this hasn't come out of court and it won't until this wood is spoiled, so I maintain we have abuses in our system today. At least with this you will have to post a bond, it eliminates the frivolous suits, which anyone can do today. I can sue my neighbor today without putting up a cent.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the good gentleman from Auburn, I did not say it was a bad bill, I said it was a very undemocratic and unAmerican bill.

I think the good gentleman from Auburn pointed out exactly where our problem lies, and that is in our elected officials, in our bureaus and in our departments. If they are not doing their job, then we should take action on them, not against our own citizens.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: This is a bad bill. If it passes, there will be an epidemic of law suits unequalled in the State of Maine and everyone will go around singing Sweet Sue.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I just want to make a few remarks on some of the things that have been said. In the first place, apparently somebody is misled, I believe, when they say that you do not have to be in non-compliance with the law in order to bring this suit. This is not what the bill says. Right on the first page, under "A," it says "any person, including agencies, who is alleged to be in violation." When you are alleged it doesn't mean that you are guilty, you are in violation. This is one of the things that I want to point out, that if some member of the committee believes that you have to be in non-compliance, this is not so.

Another thing which was said is that people who are afraid of this bill are afraid of the law. Well, I am not afraid of this bill and I am not afraid of the law either, because I can very proudly say that I have never been held up by the law in any way whatsoever. All you have got to do is comply. I am not afraid of the law, but I am concerned about the people of this state, because this bill says that anybody, as a matter of right, can intervene in a suit brought by somebody else against someone. This is a matter of right. When we start talking about rights, you want to think about it very seriously, and this is what this bill is giving people, environmental protection of others, to intervene. Naturally, what this will turn out to be is personal actions will turn out to be class actions, and that is the easiest way to do it because they get free lawyers, or so-called lawyers, for nothing. They don't pay for it. This is why they go into class action.

Just for clarification, it says that you have to post a bond which would prevent frivolous suits. This is not so either. On the second page of this bill it says that the court may, if they want to, require the filing of a bond or the equivalent security in accordance with the law. 'May' is not 'shall' and there is nothing that says that you have to file a bond.

I submit to you that this is not a good bill and I hope you vote against it.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: In response to our good friends here, I think if you listen to what you are saying, you ought to take a very careful consideration now. You are saying that there are some laws that we should obey and there

are some laws that we shouldn't obey. If the law is good enough to put on the books, it is good enough to obey. If it is a law that we shouldn't obey, let's get rid of that law.

What you are saying, you are reading all sorts of things into this. We are looking in the closet for all sorts of ghosts to come sneaking out here just in case something comes up. It reminds me of when we were a few years younger, children, we used to look around and start imagining various things and terrible demons coming out of somewhere but we weren't sure of where.

Many of the things that you have brought up have nothing to do with the bill whatsoever, absolutely nothing. This is simply a case of enforcement of present law, and I reiterate, if the law isn't good enough to be on that book, let's get rid of it, but don't ignore it, that is simple hypocrisy.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: As the speaker just said, let's let the DEP handle it like they are now.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I signed the "ought not to pass" report, and while I have the greatest respect for the members of the committee who signed the "ought to pass" report, I disagreed with them for one reason and one reason only, and that is because sitting in a hearing that lasted roughly three hours, no one witness was able to bring one example of a case where the DEP had not in fact enforced the law. I would submit to you that if that were not the case, I would be on the other side of this report.

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 Sabattus, Mr. LaPlante, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Byers, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Conners, Cote, Cox, Cunningham, Curran, Devoe, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Gray, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Morton, Nadeau, Nelson, M.; Norris, Palmer, Peltier, Peterson, Plourde, Raymond, Rideout, Rollins, Shute, Silby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Whittemore.

NAY — Benoit, Blodgett, Bustin, Clark, Connolly, Davies, Dexter, Diamond, Dow, Fowlie, Goodwin, H.; Green, Hall, Henderson, Howe, Hughes, Jensen, Kane, Kany, Kelleher, Kerry, Locke, MacEachern, Masterton, McMahon, Mitchell, Moody, Najarian, Nelson, N.; Pearson, Post, Prescott, Quinn, Spencer,

Talbot, Tierney, Trafton, Wilfong, Wood, Wyman.

ABSENT — Brenerman, Carey, Greenlaw, Hobbins, Peakes, Perkins, Tyndale, Valentine. Yes, 102; No, 40; Absent, 8.

The SPEAKER: One hundred and two having voted in the affirmative and forty having voted in the negative, with eight being absent, the motion does prevail.

Sent up for concurrence.

#### Consent Calendar

##### First Day

(H. P. 604) (L. D. 741) Bill "An Act Concerning the Bee Industry Law" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-198)

(H. P. 594) (L. D. 849) Bill "An Act to Clarify Procedures Concerning the Issuance of General Obligation Bonds for Indian Housing Mortgage Insurance" — Committee on State Government reporting "Ought to Pass"

(H. P. 951) (L. D. 1145) Bill "An Act to Provide Funds for the Administration of the Uniform Crime Reporting Program Within the Bureau of State Police" (Emergency) — Committee on State Government reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 27, 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. 772) (L. D. 978) Bill "An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under Municipal Securities Approval Act."

(H. P. 770) (L. D. 977) Bill "An Act to Redefine the Boundary Line between the City of Brewer and the Towns of Orrington and Holden"

(H. P. 402) (L. D. 512) Bill "An Act Charging the Boiler Owner or Contractors for the Fees for Additional Inspections Required by the Code"

(H. P. 682) (L. D. 864) Bill "An Act to Change the Name of the Maine Boxing Commission to the Maine Athletic Commission"

(H. P. 312) (L. D. 403) Bill "An Act Relating to a Consumer's Notice of Right to Cure under the Credit Code"

(H. P. 405) (L. D. 515) Bill "An Act Relating to Motor Vehicle Sales Financing under the Maine Consumer Credit Code" (C. "A" H-188)

(H. P. 97) (L. D. 121) Bill "An Act to Clarify the Banking Code" (C. "A" H-186)

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

(H. P. 151) (L. D. 181) Bill "An Act Relating to the Real Estate Commission's Rulemaking Authority" (C. "A" H-187)

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

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-187) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 820) (L. D. 993) Bill "An Act to Revise the Law Pertaining to Guardian Release of a Ward's Interest in Real Estate"

(H. P. 817) (L. D. 990) Bill "An Act to Prohibit Hunting and Fishing on Property Belonging to the Unity Utilities District"

(H. P. 702) (L. D. 883) Bill "An Act Authorizing Use of Subpoena Powers to Enforce Support Obligations" (C. "A" H-192)

(H. P. 1038) (L. D. 1268) Bill "An Act Concerning the Criminal Penalty for the Crime of Deceptive Business Practices" (C. "A" H-193)

(S. P. 278) (L. D. 891) Bill "An Act to Establish a Sign on the Maine Turnpike Announcing the Moosehead Lake Region" (C. "A" S-83)

(S. P. 212) (L. D. 661) Bill "An Act to Require Minimum Standards for Automotive Fire Apparatus"

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

#### Passed to Be Engrossed

Bill "An Act to Amend the Savings and Loan Association Law" (H. P. 1458) (L. D. 1686)

Bill "An Act to Provide Fees for Consumer Education Materials" (H. P. 1457) (L. D. 1685)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1977 (Emergency) (H. P. 1463) (L. D. 1688)

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

Bill "An Act Relating to Political fundraising by State Employees" (H. P. 453) (L. D. 558)

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

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I set this aside so that we could have a brief discussion this morning and I might have an opportunity to call to your attention what I regard to be the detrimental impact of this piece of legislation.

State employees, up until a few years ago, were severely restricted in their ability to act in the political field. Now, this has been called the Little Hatch Act, I guess after being patterned after the federal Hatch Act and these concepts embodied in this little Hatch Act didn't spring from the mind of man full-born at the time state government came on the scene. No, these were painfully worked out after the abuses and the inequities and the injustices that we saw in connection with state employees and the political process.

Now the last session, some relaxation of these strictures were enacted. State employees were then allowed to become candidates in non-political municipal offices. They are still restricted from being members of this legislature. They were also allowed to make political contributions for the first time. This was done, one might assume, in response to the throbbing demand and the throbbing interest on the part of state employees to become involved in this particular aspect of our state government. But it seems that that demand and that throb wasn't there to the degree that might have been anticipated.

Now we see this bill coming in which will allow soliciting of these funds, one employee to another or one state employee to anyone. It calls for a restriction in that it will not be done on state time, on state premises, or during work hours, a stricture, I insist, that it will be completely impossible to enforce.

State employees and legislators have a unique relationship. If you ever take a look at the statutes that have been enacted on behalf of state employees, I think you'll see very clearly what that relationship is. What we are seeing now is an attempt to broaden the efforts of fund raising. One of the statements made at the time this was passed in the last session was that there would be no solicitation because of the very obvious possibility that coercion and all of

the old abuses that gave birth to the Little Hatch Act would be avoided. Now where has that viewpoint gone? It seems to be disappearing. I am just fearful that we are opening up a situation that will be unhealthy for state government because there is perhaps no group in this state that has more impact on this body or on which this body has an impact, than state employees. And so, Mr. Speaker, when the vote is taken, on the further movement of this bill, I would ask for a roll call.

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

Mr. JALBERT: Mr. Speaker Ladies and Gentlemen of the House: When the gentleman from Cumberland, Mr. Garsoe, decided to become a candidate for Assistant Minority Leader or Assistant Leader of the Republican Party, I was saddened in one way because I hated to see him go as a valuable member of the Appropriations Committee. Then, on the other hand, I was heartened because I knew that if there was ever anybody that resembled a fellow by the name of Dole, he would be it, and I knew there would be some times where he and I would probably take a different viewpoint and I know he can do it and do it to our heart's content and it will never, never have anything to do with our personal friendship and feeling that we have for one another.

But you know, when I was first here in the legislature, departmental heads of the friendly opposition, of course, around campaign time used to write letters to their employees reminding them it was campaign time. They were chairmen of their departments for their political party. As a matter of fact, believe it or not, there is a very dear friend of mine by the name of Napolitano who was state auditor who also served in a dual capacity of Chairman of the Maine State Republican party. Those were the days when there were thirteen of us here. Now I wonder what happened in those days that none of these things were ever done. Not get rid of the big boss, single member districts, this, that, nothing was ever said. We used to hold our caucuses in the Augusta House, in my room, there were 13 of us. Incidentally, 13 of us of French extraction, so we could have caucuses. Mr. Speaker, believe me, really, we enjoyed ourselves. Nothing was ever done in those days. Nothing was ever said. Everything was all right. I was told by the Clerk of the House, who was a very very close friend of mine, although a member of the minority, when I complained about it, he brought me into his office, shut the door, he told me, and you have heard me say so, "Louis, be happy. We give you a check, a warm room what more do you want?" That was the end for me. I got the pitch and I got the lesson quick. And I'd like to give my very dear friend from Cumberland the message, I hope he gets the pitch. Times have changed. The numbers are different.

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

Mr. GARSOE: Mr. Speaker Members of the House: The gentleman's remarks make me wish for the good old days. I've heard several subrosa comments to the effect that I'm the hit man of the Republican party. And I want to state here, publicly, that to be called a hit man by the king of SWAT is an accolade that I don't deserve.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am shocked, dismayed, astonished, and even astounded by the remarks of my good friend from Cumberland, Mr. Garsoe today. That very gentleman who just yesterday was the champion of individual rights here on the floor of this House relative to the agency fee debate now stands and says, those very same people, ironically enough, those very same people should be denied the

basic political right of contributing to either political party or to any candidate — an incredible performance, Mr. Garsoe.

The report on this bill was twelve to one "Ought to Pass." Should not a state employee be able to sell three for a quarter raffle tickets on a blanket sponsored by the Augusta Republican City Committee to raise some money for a ticket to a dinner or any function of that kind? The protections for abuse are still in the law. No one may abuse his office. No one may solicit on state ground. No one may solicit with anyone with whom he has a business relationship. That's still done.

Mrs. Boudreau thought she took care of the problem last year. It was only an interpretation that was then proffered which indicated that one could not raise money because of the way the law was written. One could not contribute any kinds of political funds.

So I would hope that the House today would accept the motion of Mr. Garsoe to have a roll call vote and then resoundingly defeat his primary motion.

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

Mrs. BOUDREAU: Mr. Speaker and Men and Women of the House: L. D. 588 is in here because of three bills that were introduced last year and they are causing confusion. The first one was enacted as part of Chapter 597 and that was sponsored by Representative Stubbs. What that bill did, it prohibited classified state employees from soliciting any assessment, subscription, or contribution from any person for any political purpose in connection with any election for federal, state or county office. Then the second bill enacted went into Chapter 309 and that was sponsored by Representative Pelosi. That replaced the state's so-called Little Hatch Act with provisions permitting state employees broader participation in political activities. It limited restrictions to use of official influence to, in effect, an election, coercion of political contributions from state employees, and becoming a candidate in public elections.

I introduced a bill that became Chapter 592, making it a Class E crime for a state employee to receive or solicit funds for a state election from anyone the employee deals with in the performance of his or her duties. Even without these apparent contradictions, it is uncertain and confusing to the employees and to the officials enforcing the law to determine in any particular instance where the boundary line is between permitted and prohibited political activity. As a result, enforcement officials tend to feel it's safer to advise employees against a political activity. Employees are intimidated against engaging in even permitted activities. Now, L. D. 558 would retain the prohibition against solicitation of funds during working hours or on state property or by the use of state facilities. It would even retain the prohibition and criminal sanction against soliciting or receiving funds for election purposes during an employee's off-duty, off-state property from anyone the employee deals with on the job. I submit these restrictions more than adequately meet the objectives sought. I do not believe it is necessary or justified to prohibit state employees from political fund-raising on their own time away from state premises with their own resources. And I feel that this L. D. will clearly define what they can and cannot do and I would hope that you would pass this to be enacted.

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

Mr. CUNNINGHAM: Mr. Speaker and Ladies and Gentlemen of the House: I am not shocked or dismayed or astounded. I do think that when this type of legislation comes up, it is well for us to pause and give consideration to how much

are we opening up the restrictions, and how far are we going back in the other direction. However, I must say that reading through the bill, it would seem to me that there are enough restrictions, there are enough constraints on the personnel so that we wouldn't have the situation that we had before the Little Hatch Act became a law. I think it is time we stopped treating state employees as second class citizens and I would urge that this bill go on its merry way.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Without going on too long about this, while I have great respect for my seatmate, the gentleman from Cumberland, Mr. Garsoe, and I am sure all state employees are very gratified by his concern for them, perhaps this is a concern they don't need and this is what has been communicated to me.

State employees are, first of all, citizens of the United States and citizens of the State of Maine, and I feel and they feel that they should be entitled to the same rights as everyone else, one of which is to support the candidate of their choice. Let anyone think that I am self-serving in saying this, I was not endorsed or supported in any way by the state employees union, for what reason I can't say so I am not saying this in hopes of any gain for myself, but only in hopes that state employees will receive the same rights as other citizens that are due them.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: All this bill does is extend what happened in the last session in my bill. My bill, in the last session, opened the door up on the municipal level. This would extend it to the state level. I wholeheartedly urge that you vote for this bill because it is a good bill and it does what we have done for the municipal people on the state level. Too long in this area have state employees been nothing more than second class citizens. I was a former state employee myself for some ten years and I know some of the restrictions, the petty little things that were forced upon employees to adhere to and toe the line. That is why I submitted my bill in the last session to start opening the door on governmental employees, and I think right now we can do the state a service.

Mr. Garsoe of Cumberland was granted permission to speak a third time.

Mr. GARSOE: I hadn't planned to stand again until I heard state employees referred to as second-class citizens. I say Balderdash. They are unique, but there is no other class of citizen in this state that has the relationship with this body that state employees do. And I insist that we are opening the door to potential for abuse. Abuse, yes, of state employees, in allowing the cross-solicitation of funds, the abuses that the gentleman from Hallowell just mentioned, Mr. Stubbs. This opens the door for that. And no other class of citizen in this state has an impact on this body that is in the same relationship. This body sets everything that governs state employees and I'm willing to let the restrictions that took place last year, blossom for awhile.

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

Mr. TARBELL: Mr. Speaker, Men and Women of the House: I would concur with those remarks made by the gentlewoman from Portland and from Augusta. It is a fair, modest and moderate improvement in the current standing of state employees. They now, under the law, are capable of making contributions. It only seems fair that we ought to extend the same courtesy and the same rights to them to be able to solicit funds on their own time, not with the use of state facilities or premises and not relating to any persons or institutions with

whom they come into contact in dealing with on their professional jobs.

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

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

The SPEAKER: The pending question before the House is on passage to be engrossed of Bill "An Act Relating to Political Fund Raising by State Employees." Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Byers, Carter, D.; Chonko, Churchill, Clark, Cote, Cox, Cunningham, Curran, Davies, Diamond, Dow, Drinkwater, Dudley, Durgin, Durtremble, Elias, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Brown, K. L.; Carter, F.; Connors, Garsoe, Immonen, Lougee, Mackel, Torrey, Tozier.

ABSENT — Carey, Carrier, Carroll, Connolly, Devoe, Dexter, Gauthier, Greenlaw, Jackson, Peakes, Plourde, Tyndale.

Yes, 129; No, 10; Absent, 12.

The SPEAKER: One hundred twenty-nine having voted in the affirmative and ten in the negative, with twelve being absent, the Bill is passed to be engrossed.

Sent to the Senate.

Bill "An Act Providing for the Observance of Memorial Day on May 30th" (H. P. 442) (L. D. 549)

Bill "An Act to Expedite the Collection of Sales Tax on the Rental of Automobiles" (H. P. 600) (L. D. 725)

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

#### Amended Bill

##### Tabled and Assigned

Bill "An Act to Revise Fees Which may be Charged by Towns for Licensing Innkeepers, Victualers or Tavernkeepers" (Emergency) (H. P. 640) (L. D. 784) (C. "A" H-176)

Was reported by the Committee on Bills in the Second Reading.

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

Mrs. HUBER: Mr. Speaker, Members of the House: I am the sponsor of this bill and obviously I think it is a good bill. In the past day or so I have listened to some of the concerns voiced with it and I hope at this time that some member of this body will table it so I can offer an amendment which I have prepared to it.

On motion of Mr. Palmer of Nobleboro,

tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act Relating to State Liquor Identification Cards" (H. P. 769) L. D. 960) (H. "A" H-197 to C. "A" H-184)

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

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

Mr. LaPLANTE: Mr. Speaker, having voted on the prevailing side of L. D. 646, I now move that the House reconsider its action whereby this bill was indefinitely postponed and hope you all vote against me.

The SPEAKER: The gentleman from Sabattus, Mr. LaPlante, moves the House reconsider its action whereby Bill "An Act to Authorize a Citizen to Initiate Law Suits as a Private Attorney General to Protect Environmental Quality," L. D. 646, was indefinitely postponed. Those in favor will say yes; those opposed will say no.

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

#### Passed to Be Enacted

An Act to Revise the Maine Regional Library System (S. P. 74) (L. D. 183) (C. "A" S-72)

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

#### Orders of the Day

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

House Divided Report — Majority (7) "Ought to Pass" In New Draft (H. P. 1449) (L. D. 1675) — Minority (6) "Ought Not to Pass" — Committee on Election Laws on Resolution, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections (H. P. 427) (L. D. 535)

Tabled — April 22, 1977 by Mrs. Boudreau of Portland.

Pending — Acceptance of Either Report.

On motion of Mrs. Boudreau of Portland, the Majority "Ought to Pass" Report was accepted, the New Draft Read once and assigned for second reading tomorrow.

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

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)

Tabled — April 22, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

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

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

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)

Tabled — April 22, 1977 by Mr. Bustin of Augusta.

Pending — Passage to be Engrossed.

Mr. Bustin of Augusta offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-185) was read by the Clerk.

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

Mr. STROUT: Mr. Speaker, I guess first off I would ask if the amendment is germane?

The SPEAKER: The Chair would advise the gentleman from Corinth, Mr. Strout, that both

the Bill and the amendment deal with specially designed registration plates; therefore, the Chair would have to rule that the amendment is germane, even though it deals with a plate for a different group.

The gentleman may proceed.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: The reason I ask this is because it seems to me that this does not deal with the same issue as in the title of the bill. It would seem to me that if we would have an amendment of this nature, it could have to amend the title, but I will accept the Speaker's decision. However, I do have some problems with the amendment, even though it puts me in a posture today that I would probably be in a tough position to oppose the amendment, as at this point I don't know whether the volunteer firefighters in the State of Maine do want this particular legislation.

I do have some problems with the first sentence of the amendment where it says "Maine fire fighters," then it says, "The Secretary of State, upon certification by the Commissioner of Public Safety." My question is, is the Secretary of State aware of this? I guess and the second thing is, why the Commissioner of Public Safety?"

As a volunteer fireman in the State of Maine, I would have to direct my questions to the Maine Council of fire fighters and the Volunteer Fire Association itself to see what their feelings would be concerning the Commissioner of Public Safety authorizing this specially designed plate. I think it would be up to them rather than the Commission of Public Safety. That is one of the problems I have.

The other problem is, I feel that if a bill of this nature to allow municipal fire fighters to have specially designed plates, they should present a bill, the same as any other organization, to go to a public hearing and go through the legislative process the way this bill has gone in the past.

Another thing that bothers me is that I question whether 11,000 volunteer firemen in the State of Maine, that 25 percent of those are interested in having a designed plate. My feeling is, at this point, that with the National Guard, we are certain that 25 percent are interested before one of these plates would be made up, and I think when you're looking at 11,000 volunteer firemen, and we are saying that 2,700 of those, or thereabouts, have got to show the intent, I think today that it is wrong to be looking at this amendment.

The other thing that bothers me about the amendment, on the back page it says "within 30 days of ceasing to be an active municipal or volunteer fire fighter, an individual holding registration plates under this section shall return the registration plates to the Secretary of State." I guess my problem here is that as a volunteer fireman, I paid dues to my association and there is times that I know with our volunteer fire department, as well, I would imagine, with a good many others, there are times when it is six months before these dues are paid, and who is to govern when he ceases to be a volunteer firefighter? I know that our secretary handles this very efficiently but I just feel that he is not going to send out notices every few days saying that your dues aren't paid so you are now not a member of the volunteer fire department and your plates will be revoked.

I guess that this is one of many of the problems that I see with this amendment and I am not going to make a motion because I feel that if they were to present a bill of this nature and were interested, I probably would stand up here and support it. However, at this point in time, I will take my seat. Thank you, Mr. Speaker.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: To the remarks made about my amendment by the gentleman from Corinth, I have only to say "picky, picky, picky." I think the amendment speaks for itself. You can see that it is designed very much along the same lines as the bill itself, and all it does is include another group.

There were a number of reasons offered for having these kinds of plates in the first place, and the first one and the primary one, the only one that seems to have any merit to me is the argument for emergency situations. I asked you to consider, the last time we talked about this, whether or not there were any other groups around the state for whom you could make a far better argument for the need of an emergency plate. And, of course, the group that is affected by this amendment is probably first and foremost. Volunteer fire departments need no champion in this legislature. You all know what they do; many of you may be members thereof.

Your municipal fire departments include, and probably some of the volunteer fire departments include the rescue unit. Those people have to leave their homes in the middle of the night and tie onto one of those rescue units and go out to some gory accidents and then hustle off to the hospital and maybe you are miles and miles away. You know about those people too.

It seems to me that if we consider the argument of emergency need of passage through crowded areas in terms of an emergency, then certainly this amendment is worthy of passage.

I spoke with Mr. Strout yesterday and indicated to him that there were so many people in this House who kept telling me that I was right on this bill, that I was fairly confident that I could keep getting enough votes to table it right into July. I assured him that I would not use that tactic, so we are ready to roll this thing today, and let's roll it with House Amendment "A".

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: In all respect to my good friend from Augusta, Mr. Bustin, first of all, your volunteer fire fighters in municipalities, if you will notice, already have not a license plate but a tag. In most municipalities, the Town of Caribou, the Town of Limestone, the towns even in southern Maine, I have noticed them, have tags which readily identify that the operator of that vehicle is a volunteer fireman. This tag is used in an emergency. So what we are saying now, let's have two of them. That is better yet; maybe we will have twice as many emergencies.

I hate to say this, but I have got to call a spade a spade. I think the idea of the amendment was to kill the bill. The idea of the bill was for recruiting. The National Guard is an organization designed to help the State of Maine. They don't get paid a lot of money. They give up a weekend a month, they give up two weeks in a year to go out and train for the job that they have to do, so I will make a motion, Mr. Speaker, that we kill the amendment and support the basic bill.

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

Mrs. MARTIN: Mr. Speaker, I would pose a question to Mr. Bustin through the Chair. I would like to ask him what he has got against the National Guard.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Martin, has posed a question through the Chair to the gentleman from Augusta, Mr. Bustin, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BUSTIN: Mr. Speaker, in answer to the

lady from Brunswick, as I indicated in my initial debate on this bill, the answer to the question is, nothing, nothing against the National Guard, I admire the National Guard, I think that they don't get enough credit for all the things that they do for the state, but there is absolutely no reason whatsoever that this should be the only one in the whole state to have a specially designed license plate, that is all, nothing against them.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As House Chairman of the Committee, I gave my approval to this legislation. I can only say about the amendment, if you are trying to piggy-back off somebody else's bill, and if you want a ride, put the wheels under your own cart and come before our committee with a legislative document and we will certainly give you our approval. If you have good, valid reasons, you submit a good document, we will give you a fair hearing and we will give you a ride.

I ask you today, kill this amendment, let's stop playing with the National Guard bill. I have great respect for them. They perform a great service for the Town of Hollis helping them to build a community building. They have helped them to provide a park. They do have a range in the Town of Hollis to use, and I hope that this House will kill the amendment proposed by the gentleman from Augusta, Mr. Bustin, and that you will give this bill its final passage and let's send it on its way.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: The problem I have with the amendment is that this would apply to a number of volunteer associations which traditionally go by their own community name. For example, the Ellsworth Fire Department has a special little sign that they put over their plates. I would find it very difficult to see how, if this was patterned after the National Guard plate, how you would get the name of every community on the plate for volunteer firemen. I don't think it would ever work.

As far as I know, the volunteer firemen would prefer to keep their community designation over their license plate as they do now. I haven't taken any polls and we haven't had time, of course, to look into this, but there is one of the lobbyists that represents over 8,000 volunteer firemen, and I think they ought to have the opportunity to find out if the volunteer firemen in the state would like to have this kind of a bill.

I have talked to the local fire chief about it, and he expresses concern in having this on a plate that would be uniform throughout the state, because when there is a fire, the fire lines are set up and with the plate showing community designation, the chief and the police can very readily see whether authorized people are coming to the fire. If you had a uniform plate statewide just showing volunteer fire department, anybody would be able to go through the fire lines.

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

Mr. MOODY: Mr. Speaker and Members of the House: I ask that this bill and all accompanying papers be indefinitely postponed and would ask for a division.

Number one, the remarks made earlier, I know plenty of people in my own area who joined the National Guard basically for one reason. In response to somebody that they don't get paid well, well, that is why they joined the National Guard for that one weekend per month, for that extra money.

The second thing is, there are many organizations and officials throughout this state who

deserve special plates just as well as the National Guard does. You have individual police officers, you have sheriff departments, they respond in emergencies. What is the difference?

In an emergency situation, a special plate isn't going to make the difference, it is not. I just can't see any use. We get enough special plates as it is. Legislators have special plates, all state vehicles have special plates, there is a mess of special plates around, and when you get too many special plates, you ruin their entire effectiveness.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the last gentleman who spoke. It may have been a rhetorical question that he posed — what was the difference between the emergencies that the National Guard responded to and some of these. I would mention the location of some of these emergencies — Gettysburg, Chateau Thierry, New Georgia, Russell Islands, Bougainville, and there are a number of emergencies of this type.

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

Mr. MOODY: Mr. Speaker, to just answer that one response as quickly as I can, they certainly didn't use special plates in the instances you just mentioned.

The SPEAKER: The pending question is on the motion of the gentleman from Limestone, Mr. McKean, that House Amendment "A" be indefinitely postponed. The Chair will order a vote. All those in favor of the indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 22 having voted in the negative, the motion did prevail.

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

(Off Record Remarks)

On motion of Mr. Goodwin of South Berwick, the House reconsidered its action of yesterday whereby Bill "An Act Reinstating Public Intoxication as a Crime," House Paper 1201, L.D. 1430, was referred to the Committee on Health and Institutional Services.

On further motion of the same gentleman, the Bill was recommitted to the Committee on Judiciary and sent up for concurrence.

(Off Record Remarks)

Mr. Stubbs of Hallowell was granted unanimous consent to address the House.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to draw everybody's attention to Page 13 of the Kennebec Journal this morning. The headline "Field Narrows to Six for University of Maine in Augusta President's Post." Out of 137 applicants, they have narrowed it down to six. Of these six, none come from the State of Maine. Only one is from New England. I would suggest that out of one million people in the State of Maine, perhaps they could include at least one person to consider for the presidency of the University of Maine in Augusta.

On motion of Mr. Spencer of Standish,

Adjourned until nine o'clock tomorrow morning.