

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

KJ PRINTING  
AUGUSTA, MAINE

**HOUSE**

Wednesday, May 4, 1977

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

Prayer by the Reverend Clayton Blackstone of the Advent Christian Church of Friendship.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act Providing for Changes in the Laws Relating to Property Taxation" (S. P. 479) (L. D. 1742)

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

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

Bill "An Act to Set the Level of State Cost for Teacher's Retirement Benefits" (S. P. 480) (L. D. 1746)

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

In the House, referred to the Committee on Veterans and Retirement in concurrence.

**Reports of Committees  
Ought Not to Pass**

Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Prohibit Voter Registration after 12 Noon on Election Day" (S. P. 323) (L. D. 1080)

Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Prohibit Voter Registration After 12 Noon on Election Day" (S. P. 219) (L. D. 683)

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

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Exempt Historical Societies and Museums from Sales Tax" (S. P. 211) (L. D. 660)

Report was signed by the following members:

Messrs. JACKSON of Cumberland  
WYMAN of Washington  
— of the Senate.

Messrs. MAXWELL of Jay  
IMMONEN of West Paris  
MACKEL of Wells  
TWITCHELL of Norway  
Mrs. POST of Owls Head  
— of the House.

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

Report was signed by the following members:

Mr. MARTIN of Aroostook  
— of the Senate.  
Mr. TEAGUE of Fairfield  
Mrs. CHONKO of Topsham  
Messrs. CARTER of Bangor  
CAREY of Waterville  
COX of Brewer  
— of the House.

Came from the Senate with the Bill and papers indefinitely postponed.

In the House: Reports were read.  
The Bill and accompanying papers were indefinitely postponed in concurrence.

**Non-Concurrent Matter  
Later Today 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) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-176) Report of the Committee on Local and County Government was read and accepted and the Bill passed to be

engrossed as amended by Committee Amendment "A" (H-176) as amended by House Amendment "A" (H-208) thereto in the House on April 29, 1977.

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

In the House: Mr. McKean of Limestone moved that the House recede and concur.

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

Mr. HENDERSON: Mr. Speaker, I notice that the sponsor of the bill is not in her seat at the moment, and I wonder if we could table this until later in today's session.

Whereupon, on motion of Mrs. Boudreau of Portland, tabled pending the motion of Mr. McKean of Limestone to recede and concur and later today assigned.

**Non-Concurrent Matter  
Later Today Assigned**

Bill "An Act to Redescribe the Boundary Line between the City of Brewer and the Towns of Orrington and Holden" (H. P. 770) (L. D. 977) which was passed to be engrossed in the House on April 26, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-115) in non-concurrence.

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

Mr. COX: Mr. Speaker and Members of the House: Apparently this amendment has not been distributed, I can't find it on my desk. I wonder if someone would table it until later in today's session.

Whereupon, on motion of Mr. Norris of Brewer, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter  
Tabled and Assigned**

Bill "An Act Concerning the Crime of Prostitution" (H. P. 629) (L. D. 770) which was enacted in the House on May 2, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and tomorrow assigned.

**Messages and Documents**

The following Communication: (S. P. 482)  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

May 2, 1977

Honorable Joseph Sewall  
President of the Senate  
and  
Honorable John Martin  
Speaker of the House  
Dear Joe and John:

This is to formally notify you that David A. Nichols of Lincolnville was nominated to fill the pending vacancy on the Maine Supreme Judicial Court.

In accordance with M.R.S.A. T. 4, Section 1, as amended, this nomination is subject to review by the Joint Standing Committee on the Judiciary and to confirmation by the Legislature.

Thanking you in advance for your assistance.  
Very truly yours,

Signed: JAMES B. LONGLEY  
Governor

Came from the Senate read and referred to the Committee on Judiciary.

The Communication was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 483)  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE

May 2, 1977

To: All Members of the 108th Maine Legislature  
Pursuant to Joint Rule 23, the Legislative Council has voted to extend the deadline for reporting out bills from Friday April 29th to Friday June 3, 1977.

Signed:

JOSEPH SEWALL  
President of the Senate  
JOHN L. MARTIN  
Speaker of the House

Came from the Senate read and ordered placed on file.

The Communication was read and ordered placed on file in concurrence.

**Orders**

An Expression of Legislative Sentiment (H. P. 1519) recognizing that: Cory Robertson of Blue Hill Falls has won the Hancock County Spelling Championship for 1977 (Presented by Mr. Perkins of Blue Hill)

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

An Expression of Legislative Sentiment (H. P. 1520) recognizing that: Edith Young of Minot celebrated the 93rd anniversary of her birth and received a Boston Post Cane, being the oldest resident of the community. (Presented by Mr. Torrey of Poland)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker and Members of the House: A few people have asked, what does this Boston Post Cane mean? Years ago, the Boston Post, which was a major newspaper in the Boston area, had a wide circulation in New England and as a public relations gesture, they had made up some canes which were presented to the rural localities in New England under the custody of selectmen. These canes were a walking stick type of cane, about three feet long. They were made of mahogany wood, they had a metallic handle which was gold plated. These canes have been presented to the oldest citizens in their respective communities by the selectmen. Over the years, most of these have disappeared but there are still some in existence that are being carried on in their traditional manner.

Thereupon, the Order received passage and was sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1522) recognizing that: the Windham High School team of Becky Ent, Bill Wellman, Bill Ricker and Kay Boutlier defeated 32 high school teams to win the finals in Classroom Quiz on April 26, 1977 (Presented by Mr. Diamond of Windham)

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

An Expression of Legislative Sentiment (H. P. 1525) recognizing that: James E. Trott of Freeport was named Service Manager's Man of the Year by the Pine Tree Chapter of the Service Managers of Maine (Presented by Ms. Clark of Freeport)

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Elmont Tyndale of Kennebunkport be excused for the duration of his illness.

AND BE IT FURTHER ORDERED, that J. P. Normand LaPlante of Sabattus be excused May 5th, and 6th for personal reasons.

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

Mrs. Mitchell from the Committee on Election Laws on Bill "An Act to Establish Voting Lists Based on those Persons who Voted in the Previous Election" (H. P. 689) (L. D. 871) reporting "Ought Not to Pass"

Mr. Boudreau from the Committee on Election Laws on Bill "An Act Relating to Nomination Petitions" (H. P. 688) (L. D. 870) reporting "Ought Not to Pass"

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

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

Mr. Kelleher from the Committee on Public Utilities on Bill "An Act Concerning the Powers of the Eagle Lake Water and Sewer District" (H. P. 1002) (L. D. 1242) reporting "Ought to Pass" in New Draft (H. P. 1521) (L. D. 1747)

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Pertaining to Ambulance Service" (H. P. 521) (L. D. 639) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Amending the Ambulance Service Law" (H. P. 1523) (L. D. 1748)

Reports were read and accepted, the New Drafts read once and 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 Lincoln County for the Year 1977 (Emergency) (H. P. 1524) (L. D. 1751) 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 County Taxes and Authorizing Expenditures of Kennebec County for the Year 1977 (Emergency) (H. P. 1526) (L. D. 1753) 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 Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Eliminate an Exception to the Statutory Requirement that Financial Institutions have Deposit Insurance" (H. P. 858) (L. D. 1047)

Report was signed by the following members:

Messrs. FARLEY of York  
CHAPMAN of Sagadahoc

— of the Senate.

Messrs. SPROWL of Hope  
JACKSON of Yarmouth  
WHITTEMORE of Skowhegan  
KILCOYNE of Gardiner

Miss. ALOUPIS of Bangor  
Messrs. PEAKES of Dexter  
RIDEOUT of Mapleton  
HOWE of South Portland

Ms. CLARK of Freeport  
Mrs. BOUDREAU of Portland

— of the House.

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

Report was signed by the following member:

Mr. PIERCE of Kennebec

— of the Senate.

Reports were read.

Ms. Clark of Freeport moved that the House accept the Majority "Ought Not to Pass" Report:

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The bill that we have before us this morning is a bill that we have had here before and I had kind of forgotten about it. We had a lot of fun with that bill two years ago up here. You know, it didn't mean too much to me at the time — we are now talking about L. D. 1047. Last summer when I was out in Minnesota, where I go every year, I was laying in my motel room watching TV, the news came on and I saw a very distressing thing. A bank out in the midwest had no insurance, was in business for many, many years, and this bothered me. It seems the treasurer of the bank and his girl friend ran off to Hawaii with the people's money. They took all the stocks and securities that were negotiable, and they had on TV out there people who managed to save \$800, one was over \$1,000 and one was \$2,000, farm people who had worked all their lives, and when you stop and think that a person who works the land and can only save \$2,000 in a lifetime and then have someone steal the money, it is a pretty pitiful thing.

To be sure, there were warrants out for his arrest, but that didn't help the people, because the bank was not insured by the Federal Deposit Insurance Corporation; consequently, they had to take the loss.

I did at the time feel that was a terrible thing because of the fact that I saw this actually happen and they had the people on there saying what were they going to do, they had worked all their lives and could only save a small amount of money and then have someone come along and steal it from them.

I put the bill in. I checked with the banking commissioner on the law and found out that we do have a law in the State of Maine that grants the banking commissioner with any savings institution under \$250,000, it does not have to be insured. It is at the discretion of the banking commissioner. Last year, we had seven, now we have three and two of those are going to merge with another bank and we presently have one.

I bring this to the attention of the members of this House because it can stop here, but the big thing that bothered me during this time that I was in Minnesota was the fact that a legislator was on TV and gave a big speech, and this was really sickening, as how he being elected by the people was certainly going to see that this doesn't happen again. Yet, the 527 people who lost their savings, I can assure you that was very little consolation to them.

I am not going to prolong this, I am not going to ask for a roll call, I am not going to ask for the yeas and nays because of the situation that this bank that we are talking about in Maine has been in business for 90 years, but I bring to the members' awareness, remember, if this bank should decide not to have an honest treasurer, the people of Maine who have ever invested in this association are going to lose their money.

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

Ms. CLARK: Mr. Speaker and Members of the House: I would respond to the remarks of the gentleman from Westbrook in the following manner. We are here again with the issue of a Mechanic Falls Loan and Building Association, and this is the last small institution in our state which is granted an exemption — by the way, that exemption was granted in the special session of the 107th Legislature — from the mandatory requirements that other financial institutions of this state must follow.

With the response to the treasurer of the Minnesota bank who absconded with the assets of the small bank in that area, I point out that un-

der MRSA 9V Section 327 subsection 5, that the directors of a financial institution in Maine shall require security for the fidelity and faithful performance of duties of its officers and employees and agents. Also, the by-laws of the Mechanic Falls Loan and Building Association provide that the treasurer and secretary shall be bonded.

The same testimony that came before us in the last session of the legislature was given to the committee on business legislation last week when representative Laffin presented his bill. At that time, a representative of the Mechanic Falls loan and building association testified before our committee on behalf of that bank, again to obtain or retain the exemption from the requirements of MRSA Title 9V Section 422. This exemption, we hope will be continued today for the following reasons: In December of 1974, a representative of the federal loan and building insurance corporation spoke with the board of directors of the Mechanic Falls loan and building association outlining the mandatory requirements which must be met prior to federal approval of that institution. Requirements are: Interest on deposits is limited to 5¼ percent. At least one full-time employee. The Mechanic Falls Loan and Building Association pays 6% at least one full-time employer. The Mechanic Falls Loan and Building has part-time employees only. Sophisticated security devices to which camera and burglar alarms, the Mechanic Falls Loan and Building Association have none because they don't need any of these devices, mainly because they maintain a minimal amount of liquid assets at any time. Vault — the Mechanic Falls Loan and Building Association has a medium size safe primarily for records. Most of its assets are deposited next door in the Depositors Trust Company. And a number of other requirements that I don't recall at this time. Also present at that meeting last year with the Federal Loan and Building Insurance Corporation was a good friend of our committee, the Deputy Superintendent of Banking, Mr. Leslie Hilton. When asked the amount of assets necessary to justify economically the requirements, he advised us that it would be at least a half million dollars. Left with that prospect, the Mechanic Loan and Building Association was faced with four alternatives. One: Merge. Two: Liquidate. Three: Raise \$330,000 dollars in deposits. Four: Amend the legislation. And that's what they sought to do. They came before our committee and this legislature chose to amend the legislation according to their requests.

I would give you a brief history so you won't think that the depositors of the Mechanic Falls Loan and Building Association are hanging out there on a limb. That association has been in existence for over 90 years. In 90 years, they have lost less than \$1,000 dollars, a feat that no other financial institution in this state or any other state can claim. Not a single depositor has lost a penny in that institution. They have the highest reserves in the state. The ratio between the reserves to deposits is 22.9 percent and the state average is 5.7 percent. They have 30 to 40 outstanding loans with an average value of \$3,000 dollars. They have a very high number of repeat mortgages. Ninety nine percent of the applicants are known at least to one member of the board of directors. Their loans consist of approximately 50 percent home improvement, the balance are commercial, college and home purchases. The Loan and Building Association is run by the residents of Mechanic Falls for the residents of Mechanic Falls and the residents of the surrounding communities: Poland, Minot, Oxford, Casco, Raymond, and Hebron. They have a large bank in their community to which I've already referred, Depositors Trust Company. But Depositors Trust Company does not write small loans of this nature. In fact, they refer those kinds of loans to the Mechanic Falls Loan and Building Association.

I think I've provided enough background so

that you will indeed accept the majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely want to commend the gentledady from Freeport, Mrs. Clark, for her excellent presentation. Mechanic Falls Savings and Loan is an institution in the town of Mechanic Falls which is one of the towns in my district and I sincerely trust that you will follow her and support the "Ought Not to Pass" Report.

Whereupon, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-261) on Bill "An Act to Establish Warranty Standards for Subsurface Sewage Disposal Systems" (H. P. 388) (L. D. 478)

Report was signed by the following members:

Mr. O'LEARY of Oxford — of the Senate.  
Messrs. DEXTER of Kingfield  
GREEN of Auburn  
Ms. BENOIT of South Portland  
Messrs. HALL of Sangerville  
WILFONG of Stow  
Miss BROWN of Bethel  
Mr. BLODGETT of Waldoboro — 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. TROTZKY of Penobscot  
REDMOND of Somerset — of the Senate.  
Mrs. HUBER of Falmouth  
Mr. HUNTER of Benton — of the House.

Reports were read.

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

Ms. BENOIT: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not accept the "Ought to Pass" Report and that we accept the "Ought Not to Pass" Report and I'll give several reasons why. One of them is the soil scientist. You have to have a soil scientist come in and give a test of the soil. Then there is approximately three different types of soil systems to be used. He has a recommendation. He has the types of soil, the recommendations of the size, how this system is built. Say that I install a system. I've got those recommendations from the soil scientist, a plumbing inspector, I have to get a permit from him, he comes down, looks at the site, goes over it, checks the recommendations by the soil scientist, okays it, then I begin the installation of this. We put in a certain amount of sand, a certain amount of gravel or coarse stone and the pipes are laid in this, then the hay is put over the pipes, then we have so many more inches of gravel, then so many inches of loam and then it's seeded down and your grades have to be specified within your prints. Before this is covered, after your pipes are all secured, laid out, leveled and after they are secured, the plumbing inspector comes back, he takes a look at all of this and if there's anything wrong he tells you, you rectify it and then you go ahead and cover it.

Now, if I'm going to install a septic system and be responsible for two years for its operation, then I feel that I should put that system in the way I feel it should be done, then I can be

held responsible. I don't think it is right for me to be held responsible for a sewerage system that is recommended by a soil scientist and then double checked by a plumber.

So, I hope you do not accept the "Ought to Pass" Report.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I signed the "Ought to Pass" Report on this and I'll give you a few reasons why. I would hope that it would be the wisdom of this body to accept the Majority "Ought to Pass" Report with regards to this.

First of all, before we talk about the bill, we should talk about the amendment which is actually the bill, in essence. The original bill called for a five year warranty. It was the feeling of the committee at the time that this was too long. What the amendment does is it narrows it down to a two year warranty. Let me just explain to you, briefly, what the warranty clause says. I feel it is extremely fair. I don't think it creates an undue hardship on any of the individual contractors in this state. The warranty from the seller is defined in section 1481 "shall be set forth in writing and shall be delivered to the purchaser at the time of purchase. The written warranty shall include the name, address, and phone number of the seller." I don't think that's terribly outrageous to ask. It goes on to say, and this is the important part of the amendment, which is now the bill before us that I feel is the key to this, "the seller and purchaser may provide by agreement specifications for use in the written warranty which may include the number and kind of appliances and plumbing facilities discharging into the system and the number of household residents the system will accommodate." This portion of the amendment came about through a lot of inquiry on the part of committee members as to the current legal status of faculty septic systems and what would the court do as the contractor's fault or the soil inspector's fault or the plumbing inspector's fault. The good gentleman that spoke in behalf of the Minority "Ought Not to Pass" Report said, that it would create some discrepancies on trying to prove who was actually at fault in establishing a sewerage system in the first place. I would say now that, under this amendment, the contractor would be held responsible but if, in fact, the breakdown of the sewerage system itself was caused, because of a poor soil analysis or a poor report from the plumbing inspector, then the contractor would, indeed, have ample opportunity to prove that in court. All this amendment does, it makes it somewhat simpler for the individual purchaser of a septic system to perhaps go to court if they wish or at least have something in writing from the seller of the system itself.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: Nobody likes to cause their business any more problems than I do. One thing about this, in talking with a banker back home and talking with a couple of the builders in my area, it's getting pretty hard work for the banks to loan any money unless they've got some knowledge and some guarantee that the system is working. That is why we changed the amendment down to two years.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I am a bit curious about this bill as I think all of us have a certain reluctance to pass unnecessary regulations. I have a question in my mind. Is there a proven and established need for this particular bill? Do we have any history of cases which would require such regulation that someone could possibly address the question?

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

The Chair recognizes the gentewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: To answer Representative Mackel's question, I am a sponsor of this bill and I did so at the request of a constituent who lives in one of my towns and that is the town of Scarborough. Apparently, they have had a lot of problems where contractors have put sewerage disposal systems into grounds or areas where they should not have been put. These people have had no recourse. I think you all realize that sewerage disposal systems can cost a good deal of money. I believe that people should have the opportunity to at least try to get their money back if one of these systems should fail. At the hearing, Mr. Hoxie from Health Engineering Service informed us that most sewerage systems will go back within six months if they are going to go. I don't think the two year warranty is too long. I, for one would certainly not want to put a lot of money into one of these sewerage disposal systems and have it go in six months and have no recourse at all.

I did want to answer one other comment made by Mr. Conners of Franklin. When he said that the installer is liable, and he is right but at the same time, if this should go into court, the installer would be able to bring the soil scientist, the plumbing inspector or anyone else that was involved in as a co-defendant if it became necessary. However, most people have told us that most contractors would repair such systems if they were defective or had gone faulty and it were their fault.

I urge you to accept the Majority "Ought to Pass" Report.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I can't understand why the responsibility should be on the installer. There is the blueprints right there of how you have to install this septic system. The plumbing inspector makes at least two inspections of this system's site.

Another thing I think that we should consider. These are state laws that we have to comply with. Another thing, if the installer is going to be liable for the malfunction of that septic system, then the cost of that septic system will go up. Say that it cost \$1,200 or \$1,500 to put that system in. There will be another \$600 or \$700 added to the cost of putting that system in so that he has got some protection in case he has to have a lawyer or go to court.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: In response to the good gentleman from Franklin, Mr. Conners, all I can think of, is the doctor that goes into the operating room to perform surgery. He is surrounded by technicians, nurses and medical assistants and unfortunately, if something should go wrong in the course of the surgery which might not be directly attributable to the doctor himself, it is the doctor that is held liable.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think I would pose this somewhat as a question. It came to my attention the other day and I will draw this together. It may seem a little far-fetched at first. It came to my attention the other day that there is a new federal law on tax preparation that if the tax is not prepared properly, there could be \$100 dollar fine. I know of accountants who are adding this, they won't take a tax preparation under \$100 dollars, the idea being that they are covered in case this fine is assessed against them. It would seem to me that we

may be getting into sort of the same area here. In my town, we are about evenly divided between marine clay and granite and it is hard to put in sewer systems. It is not uncommon to have to spend \$4,000 for a septic system. This is expensive and I would imagine that any cost like this is going to be passed along.

The example of the doctor in the operating room, I think this is where we are seeing these tremendous costs on doctors because of medical insurance. I am almost wondering if we are not opening the same kind of a door here. If we do pass it, maybe it is proper, but I certainly think it is going to be passed along to anyone who is putting in a system.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to either the proponent or the opponent of this bill. Would someone please indicate whether or not these individuals who put these systems in have guarantees of their own and to what extent are those guarantees included. I am curious if there is any guarantee presently.

The SPEAKER: The gentleman from Millinocket, Mr. Marshall, has posed a question through the chair to anyone who may care to answer.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I am not the sponsor or anything to this bill but I would like to respond to your question. The gentleman from Millinocket asked a good question. What we are really talking about, basically, is material, earth material that someone puts in: sand, gravel, rocks and so forth so you really don't guarantee what that is going to do and I feel myself that I agree with the gentleman from Franklin that when someone else designs a system for you and tells you what to put in it, you do it, you follow it according to those instructions, it is very difficult to ask you to guarantee it for a period of any time.

I also want to partly agree with the gentleman from Yarmouth. The point that I believe sincerely that the cost of a septic system today is getting so high, many young people find it increasingly difficult to have even a mobile home because of the cost of a septic system and to put this guarantee on would spur the increase of those costs and I am sure the consumer would have to pay. You will find that more and more, the consumer, especially the young person trying to start a home, are finding it very difficult indeed to even raise the money for a septic system.

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

Mr. DEVOE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address some questions to anyone who may wish to answer them.

On page two of the amendment, section three relating to sewerage disposal systems, there is reference to the warranty not including the individual components of the system which, by themselves are not intended to dispose of such waste or wastewaters. With respect to section 1482, the warranty section in the second paragraph it begins, the seller and purchaser "may" provide. I question whether or not we shouldn't have the word 'shall.' If the parties forget or if the parties decide not to specify in a written warranty, what happens to this bill? What happens to the so-called warranty, or the guarantee?

I direct your attention to the next to the last line of the second paragraph which refers to the number of household residents the system will accommodate, the design, capacity of and the care of maintenance instructions? What happens if the family has a baby born to it? What

happens if a mother or father has to come to live with the family and therefore increases the size of the family unit? Is it the intent of the drafter of this amendment that every time there is an increase in the family size, the warranty is no longer going to be applicable?

If anyone would care to answer those questions, I think it would help the members of the House in deciding whether this is a good amendment or not.

The SPEAKER: The gentleman from Orono, Mr. Devoe, has posed a series of questions through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I will try to answer. I think I am a little bit out of my league on this, but as far as the first part where the seller and the purchaser may provide — that was put in there so that the seller could put in writing exactly what he expected from the purchaser. However, even if he didn't, it still provides in the amendment that the warranty provided in this chapter shall not apply if the sewage disposal system has been operated in a manner which could reasonably be expected to leak through malfunction thereof.

The second question, it would be my understanding that if the system is being used by more people than it was built for, then it would no longer be covered under warranty, and I think this is only right and proper; it must be used under the right conditions, otherwise, it cannot be guaranteed.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from South Portland, that the Majority "Ought to pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

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

#### Consent Calendar

##### First Day

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

(S. P. 289) (L. D. 915) Bill "An Act to Permit 17 Year Olds to Donate Blood Without Parental Consent" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-108)

(S. P. 94) (L. D. 218) Bill "An Act Relating to Employee Workmen's Compensation Law" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-105)

(S. P. 25) (L. D. 38) Bill "An Act Relating to Appointment, Duties, Salary and Expenses of Court Reporters" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-104)

(H. P. 386) (L. D. 476) Bill "An Act to Establish an Environmental Coordination Procedure" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-262)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 5, 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. 650) (L. D. 794) Bill "An Act Requiring

the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Service Customers in a Telephone Exchange and to Promulgate Rules and Regulations Relating to the Establishment of Extended Area Service" (C. "A" H-254) (Later Reconsidered)

(H. P. 836) (L. D. 1009) Bill "An Act Concerning the Operating Expenses of Public Utilities" (C. "A" H-255)

(H. P. 327) (L. D. 418) Bill "An Act Relating to Guardianship of Incapacitated Adults in Need of Protective Services"

(H. P. 299) (L. D. 355) Bill "An Act Concerning the Seeking of Competitive Bids by the Treasurer of State"

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

#### Passed to Be Engrossed

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1977 (Emergency) (H. P. 1516) (L. D. 1744)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1977 (Emergency) (H. P. 1518) (L. D. 1745)

Bill "An Act to Prohibit the Washing of Domestic Animals in Sebago Lake" (H. P. 1125) (L. D. 1343)

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

#### Second Reader

##### Later Today Assigned

Bill "An Act to Establish Assessments upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 777) (L. D. 932)

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

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: This is a bill that came out of the Public Utilities Committee twelve to one. I was the "ought not to pass" signer. The Chairman of the Public Utilities Committee, Mr. Kelleher, promised me that this would be tabled unassigned. He isn't in his seat, but I would like to have this tabled unassigned.

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

Bill "An Act to Require the Full Name of a Party Designation to be Spelled out on a Ballot" (H. P. 746) (L. D. 951)

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

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Create a Division of Public Health Nursing within the Bureau of Health, Department of Human Services" (H. P. 699) (L. D. 882)

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

(On motion of Mrs. Post of Owls Head, tabled pending passage to be engrossed and specially assigned for Friday, May 6.)

Bill "An Act to Amend the State Tuition Equalization Fund" (H. P. 258) (L. D. 327)

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

**Second Reader  
Tabled and Assigned**

Bill "An Act to Change the Date of the Primary Election to the First Thursday after Labor Day" (H. P. 1511) (L. D. 1732)

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

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been going through the House here without one word having been said about it pro or con, and I don't care to debate it myself this morning, but I thought it might be rather inspiring and rewarding if on passage to be engrossed we had a roll call, so I would request one.

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.

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

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: I have a question to ask here. We have recently passed a bill that says that we will have a presidential primary which originally was scheduled for March, was then moved to June, I would like to ask whoever would like to reply to this question, what effect changing the date of the primary election to the first Thursday after Labor Day will have on the presidential primary that we have already passed?

The SPEAKER: The gentleman from Brunswick, Ms. Bachrach, has posed a question through the Chair to anyone who may care to answer.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, members of the other body are going to offer an amendment to the presidential primary bill that would put the presidential primary on the same day as our June primary. I really don't know if we should just pass this bill and then let the other body do what they want with it or take care of it now. I just don't feel that the other body is going to pass an amendment today to provide for a June presidential primary and then turn around and pass a bill calling for a primary the Thursday after Labor Day.

On motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed and specially assigned for Friday, May 6.

**Amended Bills**

Bill "An Act to Raise the Christmas Tree Transportation Registration Fee" (H. P. 179) (L. D. 241) (C. "A" H-253)

Bill "An Act to Exempt the Literacy Volunteers of the Pine Tree State from the Sales Tax" (H. P. 537) (L. D. 652) (C. "A" H-258)

Bill "An Act to Authorize the Issuance of Free Fishing Permits to Patients in Regular Nursing Homes" (H. P. 694) (L. D. 876) (H. "B" H-260 to C. "A" H-242)

Were 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.

**Passed to Be Enacted  
Emergency Measure**

"An Act to Provide Funds for the Administration of the Uniform Crime Reporting Program within the Bureau of State Police" (H. P. 951) (L. D. 1145)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of

same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

Whereupon, Mr. Morton of Farmington 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 Perham, Mr. McBreairty.

Mr. MCBREAIRTY: Mr. Speaker, I would like to pose a question. Could anyone explain this bill so we would know what we are voting for?

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

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: L. D. 1685 is the redraft of an earlier measure which was introduced. I am the sponsor of the original bill, and it was presented before the Committee on Business Legislation. It, in fact, is a bill which has developed from this nifty little Downeaster's Pocket Credit Guide that all of us have received through the auspices of our fine Clerk and the source of these little credit guides is the Bureau of Consumer Protection.

This Downeaster's Pocket Credit Guide was featured recently in a nationally syndicated newspaper column, Sylvia Porter's column, and it brought an influx of requests for multiple copies of this Downeaster Pocket Credit Guide. The Bureau of Consumer Protection, in the last year of the current biennium, is running into some financial difficulties in its operational costs. As a matter of fact, the purpose of the measure before us is to allow the income from the sale of these Downeaster Pocket Credit Guides to be allocated to the Bureau of Consumer Protection so that that bureau will not be operating at deficit. That is, in fact, what this bill does.

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

Mr. TARBELL: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Freeport. Do we have any idea or does the bureau have any idea what fiscal dollars are anticipated to be received from this, what they need and how much they are in deficit now?

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed a question through the Chair to the gentleman from Freeport, Ms. Clark, who may answer if she so desires.

The Chair recognizes that gentleman.

Ms. CLARK: Mr. Speaker, Men and Women of the House: The money which has been received by the State of Maine is being held by the Treasurer's Office and it amounts to between eight and nine thousand dollars. That would take care of the deficit for this year.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members

elected to the House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Alopis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Byers, Carey, Carrier, Carroll, Chonko, Churchill, Clark, Conners, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Duxtreble, Elias, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbs, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Lougee, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterton, McBreairty, McHenry, McKean, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Perkins, Plourde, Post, Prescott, Raymond, Rideout, Rollins, Silsby, Smith, Spencer, Sprowl, Talbot, Tarbell, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Austin, Berry, Biron, Bunker, Carter, D.; Carter, F.; Cote, Dudley, Garsoe, Gauthier, Gray, Hunter, Jalbert, Lewis, Littlefield, Mackel, Masterman, Maxwell, Moody, Morton, Norris, Palmer, Peterson, Quinn, Shute, Stover, Strout, Stubbs.

ABSENT — Devoe, Goodwin, H.; Jacques, Locke, Lunt, McMahon, McPherson, Teague, Truman, Tyndale.

Yes, 113; No, 28; Absent, 10.

The SPEAKER: One hundred thirteen having voted in the affirmative and twenty-eight in the negative, with ten being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

**Finally Passed  
Emergency Measure**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1977 (H. P. 1481) (L. D. 1690)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and none against and accordingly the Resolve was finally passed signed by the Speaker and sent to the Senate.

**Enactor**

**Later Today Assigned**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1977 (H. P. 1483) (L. D. 1699) (H. "A" H-207)

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

On motion of Mr. Henderson of Bangor tabled pending passage to be enacted and later today assigned.

**Passed to Be Enacted**

"An Act to Require Telephone Companies to List the Names of a Customer's Spouse in the Telephone Directory if the Spouse so Chooses" (S. P. 344) (L. D. 1128)

"An Act to Require Committees and Subcommittees of the Board of Trustees of the University of Maine and of the Maine Maritime Academy to Hold Open Meetings" (S. P. 469) (L. D. 1681)

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

**Enactor****Later Today Assigned**

"An Act Providing for the Service of Warrants by Agents of the State Tax Assessor" (H. P. 391) (L. D. 480) (C. "A" H-199)

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

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

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

"An Act to Equalize the Registration Fee on Dogs" (H. P. 509) (L. D. 628) (C. "A" H-182)

"An Act Concerning the Bee Industry Law" (H. P. 604) (L. D. 741) (C. "A" H-198)

"An Act to Clarify Procedures Concerning the Issuance of General Obligation Bonds for Indian Housing Mortgage Insurance" (H. P. 594) (L. D. 849)

"An Act Concerning Municipal Transit Districts" (H. P. 721) (L. D. 973) (H. "A" H-203)

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

**Finally Passed**

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)

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

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

Mrs. HUBER: Mr. Speaker, having voted on the prevailing side on Bill "An Act to Establish Warranty Standards for Subsurface Sewage Disposal Systems" (H. P. 338) (L. D. 478) I move that we reconsider and hope you all vote against me.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, having voted on the prevailing side now moves that the House reconsider its action of earlier today whereby the House voted to accept the minority "Ought Not to Pass" Report. Those in favor will say yes; those opposed will say no.

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

**Orders of the Day**

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

Bill, "An Act Relating to Music, Dancing or Entertainment" (H. P. 875) (L. D. 1068) (C. "A" H-217)

Tabled — May 2, 1977 by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Marshall of Millinocket to Indefinitely Postpone Bill and All Accompanying Papers.

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

Mr. MARSHALL: Mr. Speaker, I would like to withdraw my motion to indefinitely postpone.

The SPEAKER: The gentleman from Millinocket, Mr. Marshall withdraws his motion to indefinitely postpone.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: Due to the fact that the person who has this bill is having a lot of trouble with the committee amendment and a house amendment, I would ask that this be recommitted to the committee.

Whereupon, on motion of Mr. Maxwell of Jay,

the Bill was recommitted to the Committee on Liquor Control and sent up for concurrence.

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

House Divided Report — Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-209) — Minority (6) "Ought Not to Pass" — Committee on Taxation on Bill "An Act to Remove the Manufacturer's Excise Tax on Tires from the Sales Tax" (H. P. 339) (L. D. 430)

Tabled — May 2, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of Either Report.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't expect to bat another hundred today, I have no illusions about this bill.

First, I would like to thank the members of the Taxation Committee who signed the "Ought to Pass" Report, especially the gentlemen from the other body, which surprised me to no end.

This all came about when a constituent of mine bought a pair of tires and paid cash for them. I guess he had never paid cash for tires before, he had never seen the whole thing, and when the office girl was making out his receipt, he questioned her about adding the Maine Sales Tax to the Excise Tax and she replied that that was the way she was told to do it. The gentleman got a little put out, knowing that he was paying tax on tax. He made her call the Bureau of Taxation to make sure that it was so and the answer was yes. He came to me about this matter. I tried to put the bill in the special session, it was canned because it was not important enough. After seeing some of the foolish bills that were presented in the special session, I decided that somebody was trying to shaft my bill, so I put it in this session. The point is that it is not fair or right to be double taxed on any article, whether it is a tire or a pin.

The figure presented to me by the Taxation Department left me with my tongue hanging out. I could not believe that the sales tax on excise tax could bring the state so much money. The figures are \$130,000 for the first year of the biennium and \$170,000 for the second year. For budgetary purposes, 96 percent of that decrease would affect the general fund and 4 percent of the local government fund. All last week we complained and made a big to-do about the utility going up in rate and adjustment in order to pay their cost for the fuel and so forth.

I think before we call the kettle black, we should look into our own back yard, the State Government, and look at the goring that is inflicted upon its taxpayers.

The Governor is always worried that we, here on this floor, will overtax the people of Maine. I think he had better look this one over. If it is not overtaxing the people, I would like to know what is. It is the principle and the moral aspect of the thing that bothers me. I can't imagine anyone upholding such a system. It is not right and it is not fair.

I wish you, as legislators, would take the bull by the horns and do something about this. The money is important, I grant you that, but so is our duty and our integrity to the people of the State of Maine.

I move that we accept the Majority "Ought to Pass" Report and request a roll call.

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

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Since a roll call has been ordered on this particular bill, I would like to explain why I voted against it, and I certainly don't relish the thought of opposing Representative Martin on this particular issue, or any issue for that matter, but there are many instances in which the Maine state sales tax is charged on federal excise tax. This tax on tires is but one of those instances. We also charge sales tax on the excise tax on jewelry and other items. I think that while I would agree that a double taxation is perhaps not fair, if we are going to take it off one, we might as well take it off the other because if we take the excise tax off tires, the Taxation Committee, in the next two years, will be just as busy hearing individual bills on taking taxes off different kinds of excise taxes as they are tax exemptions now.

I don't have the figures on what the amounts to take off the sales tax on all excise taxes would be, but if \$130,000 is the amount for tires, the amount for all excise taxes would be staggering and is more than we have this year and that is why I voted out the bill "ought not to pass". I think we need to take a good look at our entire tax system and this is one of the issues that ought to be discussed at that time.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I, like the gentlelady from Owls Head, hesitate and feel badly that I have to stand up and oppose the gentlelady from Brunswick in regards to this measure but the gentlelady from Owls Head is exactly right. The way that the state sales tax defines retail price is that it includes all the items that get into that product prior to its getting to the vendor.

In many instances, this excise tax is not readily known. It happens to be in the tire business because tires are sold by tire dealers and retailers on a very competitive basis and so you constantly see the tire excise tax pricing omitted from ads when they put in the big dollars, big pictures, big figures and then putting the excise tax in at the end of the ad. It is common practice in the tire selling business to emphasize the price without the excise tax, and I think this is untrue in most any other area of commerce. Back when there was a large excise tax on automobiles, passenger cars, the people were paying a sales tax on \$100, \$200 and \$300 at times. They still do on the excise taxes on times in the automotive field which have not been reduced by the federal government, that is a federal excise tax.

It is true that we pay a tax on a tax when we pay the sales tax in many, many areas of commerce. I think it would be a mistake to take it out just for tires and, of course, the revenue picture is the problem. I am not sure, as we go down the road and check into our tax picture, if we will ever be in a position to remove excise taxes as part of the purchase price when it comes to laying the sales tax.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady, Mrs. Post, mentioned jewelry. Well, that is a luxury as far as I am concerned. I own a lot of it but it is a luxury and I don't mind paying a tax on that, that is my privilege and my prerogative. Tires are needed as an article for persons to travel back and forth to work.

I was reading this little article that the Bangor Daily News put out, which I didn't even know it had put out, my paper had to pick it up after they had done it. It says here: "It is a small step and not a giant for mankind by passing this bill but it would be a symbol." It is a start anyway.



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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: There is one other point here that I might mention and that is that under the internal revenue code, the federal excise tax on tires is scheduled to be reduced from 10 cents a pound to 5 cents a pound as of October 1, 1979. This may take a little bit of a bite out of our present tax if it is the pleasure of the House to continue charging the sales tax on tires.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I find it rather ironic that two members of the previous Joint Select Committee on Taxation stand before this House today and oppose this bill.

I would like to pose a question to either one of them, whether or not this issue of taxing a tax or tax upon top of taxes was addressed by the committee which they served on and what the results and findings of that committee were? It seems to me that we are talking here is a question of equity in whether or not it is fair to tax Maine citizens on a tax. I think Mrs. Martin's bill is a good bill and I certainly hope that we do accept the "Ought to Pass" Report and I look forward to hearing from either Representative Morton or Representative Post.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: Since the chairman of the committee isn't here, I would be glad to answer the questions. The committee did not look at the issue of taxing taxes as a whole because this particular bill did not deal with that issue. We have not yet held hearings on any of the major tax reform bills and we have been dealing with bills piece by piece as they come and have not taken a look at the overall subject matter. If anybody wanted to look at our schedule for yesterday and today, I think we are having at this time enough problems keeping up with the bills as they come without taking a look at some of the larger issues, and that has not yet happened.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: If I understood the question from the gentleman from Stonington correctly, he was referring to some of the study committees that have studied taxing in a general way and the answer to the question is no, we have not studied it. I, personally, have looked into it some myself and, as I said in my earlier remarks, I feel that it is quite unlikely that the separation of excise taxes in the price of goods under the sales tax would be a feasible way to go. I really question that.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This is another problem, a tax on a tax and it is tax without representation. I have an amendment to add tomorrow if this bill goes through the House today to make it effective in 1979.

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

#### ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble,

Elias, Flanagan, Fowlie, Gauthier, Gill, Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, Mills, Mitchell, Moody, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Perkins, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Talbot, Tarbell, Tarr, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Birt, Carter, F.; Cox, Fenlason, Garsoe, Gillis, Gould, Huber, Hughes, Hunter, Kilcoyne, Lizotte, Lougee, Lynch, Marshall, McBreairty, Morton, Najarian, Peltier, Peterson, Post, Stover, Teague, Torrey.

ABSENT — Devoe, Goodwin, H.; Jacques, Locke, Lunt, McMahon, McPherson, Spencer, Tyndale.

Yes, 118; No, 24; Absent, 9.

The SPEAKER: One hundred eighteen having voted in the affirmative and twenty-four in the negative, with nine being absent, the Majority "Ought to Pass" Report is accepted.

The Bill read once. Committee Amendment "A" (H-209) was read by the Clerk and adopted, and the Bill assigned for second reading tomorrow.

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

"An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes" (H. P. 221) (L. D. 285) (C. "A" H-158)

Tabled — May 2, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Enacted.

On motion of Mr. Lynch of Livermore Falls, retabled pending passage to be enacted and tomorrow assigned.

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

Bill, "An Act Relating to Resident State Police Troopers" (Emergency) (H. P. 1493) (L. D. 1705)

Tabled — May 3, 1977 by Mr. Greenlaw of Stonington.

Pending — Passage to be Engrossed.

Mr. Greenlaw of Stonington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-263) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Last Thursday when this bill was debated, it seemed to me that there were two legitimate objections to the bill that were addressed during the debate. I have prepared an amendment which I think addresses those issues and I think resolves them and I would like to just very briefly explain the amendment.

First of all, the amendment strikes out the emergency preamble. Very honestly, I don't know why I put the emergency preamble on when I wrote the bill. It really is unnecessary because it would take two or three months to establish the procedures.

Second of all, there was a question about how many bosses a resident state trooper would have, whether it would be the local selectmen or the chief of the state police. I think very clearly most of the responsibilities of the resident state trooper would be spelled out in a contract, and as you will see in the bill, the powers of the community law enforcement coordinating committee are also spelled out.

What the bill does, though, is say very

specifically that in the event that a situation arises which is not addressed by either, the decision of the chief of the state police shall be final.

The gentleman from Eastport, Mr. Mills, raised a question about liability of a resident state trooper, whether or not the state would continue to be liable or would the municipalities involved be liable. The resident state trooper is in fact an employee of the state and the second part of the amendment clearly states that fact and is really using the language in the present tort liability claim.

I think it strengthens the bill, and I hope now we could adopt the amendment and send the bill on to the other body.

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

Mr. MILLS: Mr. Speaker and Members of the House: I thank the gentleman from Stonington for his information. I also had another question. There was a doubt in my mind answered that a town may accept or reject these conditions as they wish. Also, in the very rural areas, four or five of the small towns can band together to obtain these results and I now favor the bill.

Thereupon, House Amendment "A" was adopted.

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

Mr. QUINN: Mr. Speaker, I have waited until the last moment. I have a one-line amendment to this bill that has been in printing for about an hour. It is a very simple issue. It simply asks whether we think the towns should pay 90 percent rather than 75 percent. I think it is a valid question and I think it deserves attention for at least a minute, and I would request that someone table this until later in today's session. It should be out any minute.

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

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

Senate Report — "Ought to Pass" in New Draft under New Title: "An Act to Resolve Certain Conflicts between the Statutes and the Maine Rules of Evidence" (Emergency) (S. P. 478) (L. D. 1719) — Committee on Judiciary on Bill "An Act Relating to Privileged Communications for Clergymen" (S. P. 259) (L. D. 782) — In Senate, Rules Suspended, Read Twice and Passed to be Engrossed.

Tabled — May 3, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of the Committee Report.

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

The Chair laid before the House the following matter:

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) — in House passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto. — In Senate, the Majority "Ought Not to Pass" Report was accepted in non-concurrence. Tabled earlier in the day and later today assigned pending the motion of Mr. McKean of Limestone that the House recede and concur.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I can hear the message loud and clear from the other end of the hall. I would just like for you all to be aware that on Tuesday of this week, the Maine Restaurant Association hired a new lobbyist.

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act to Redescribe the Boundary Line between the City of Brewer and the Towns of Orrington and Holden" (H. P. 770) (L. D. 977). In the House, passed to be engrossed. In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-115) in non-concurrence.

Tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Cox of Brewer, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act to Establish Assessments upon Certain Public Utilities and to Authorize Use of the Funds Generated by those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 777) (L. D. 932) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.

The Chair laid before the House the following matter:

Resolve for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1977 (H. P. 1493) (L. D. 1699) (H. "A" H-207)

On motion of Mr. Henderson of Bangor, tabled pending final passage and tomorrow assigned.

The Chair laid before the House the following matter:

"An Act Providing for the Service of Warrants by Agents of the State Tax Assessor" (H. P. 391) (L. D. 480) (C. "A" H-199) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I had this bill set aside because I had a question on it and I noticed that the sponsor was not in his seat. Since then, I have found the sponsor, he has answered my question, and I would therefore move that this bill go on to enactment.

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

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

Mr. BIRON: Mr. Speaker, is L. D. 1073 in the possession of the House?

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act Concerning the Retirement Law Relating to Certain Employees of the Department of Mental Health and Corrections, "House Paper 1019, L. D. 1073" is in the possession of the House.

Mr. BIRON: Mr. Speaker, I move we reconsider our action.

Whereupon, Mr. Theriault of Rumford requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, that the House reconsider its action of yesterday whereby the Majority "Ought Not to Pass" Report was accepted. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Gray of Rockland 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 Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: We are asking for reconsideration so that we might have another opportunity to perhaps offer an amendment. If we are unable to amend this bill whereby the bill will be acceptable, then we will accept our defeat graciously. But considering the fact that we are trying to equalize the retirement law for all state employees who are considered to be in a hazardous occupation, we feel that we should not pass over this bill too lightly and we are asking for another chance.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I think we decided that yesterday and I don't believe we should reconsider. I think I made my point yesterday and I hope that those of you who were with me will still be with me on this reconsideration.

Please do not reconsider.

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

Mr. BIRON: Mr. Speaker, if the gentlelady from Sebec were here, she would be voting yes and I would be voting no, so I would pair my vote.

The SPEAKER: The gentleman from Lewiston, Mr. Biron, wishes to pair his vote with the gentlewoman from Sebec, Mrs. Locke. If the gentlewoman from Sebec, Mrs. Locke, were here, she would be voting yes, and if the gentleman from Lewiston, Mr. Biron were voting, he would be voting no.

The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted on L. D. 1073. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Beaulieu, Bennett, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Brennerman, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Connolly, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Elias, Flanagan, Fowlie, Gill, Goodwin, K.; Gray, Greenlaw, Henderson, Higgins, Hobbins, Howe, Hughes, Hutchings, Jaibert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Laffin, Lizotte, Marshall, McKean, Mitchell, Moody, Nelson, M.; Norris, Peakes, Perkins, Plourde, Post, Prescott, Quinn, Shute, Sprowl, Strout, Stubbs, Talbot, Tarbell, Tarr, Tierney, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Aloupis, Austin, Bagley, Berry, Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carey, Carter, F.; Clark, Conners, Cote, Cunningham, Devoe, Dexter, Dudley, Dutremble, Fenlason, Garsoe, Gauthier, Gillis, Gould, Green, Hall, Hickey, Huber, Hunter, Immonen, Jackson, Kilcoyne, LaPlante, Lewis, Lougee, Lynch, MacEachern, Mackel, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, Morton, Nadeau, Najarian, Nelson, N.; Palmer, Pearson, Peltier, Peterson, Raymond, Rideout, Rollins, Silsby, Smith, Stover, Teague, Theriault, Torrey, Tozier, Trafton, Truman.

ABSENT — Goodwin, H.; Jacques, LeBlanc, Littlefield, Lunt, Mahany, McMahon, McPherson, Mills, Spencer, Tyndale.

PAIRED — Biron, Locke.

Yes, 74; No, 63; Absent, 11; Paired 2.

The SPEAKER: Seventy-four having voted in

the affirmative and sixty-three in the negative, with eleven being absent and two paired, the motion prevailed.

The pending question now before the House is on the motion of the gentleman from Rumford, Mr. Theriault, that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. GRAY: Mr. Speaker, I would like to have this tabled for two legislative days.

Whereupon, Mr. Theriault of Rumford 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 Rockland, Mr. Gray, that this matter be tabled pending the motion of Mr. Theriault of Rumford to accept the Majority "Ought Not to Pass" Report and specially assigned for Friday, May 6. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Birt, Blodgett, Boudreau, P.; Brennerman, Bustin, Carrier, Carroll, Carter, D.; Churchill, Conners, Connolly, Cox, Cunningham, Davies, Diamond, Dow, Drinkwater, Dudley, Durgin, Flanagan, Fowlie, Garsoe, Gill, Gray, Greenlaw, Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Joyce, Kane, Kilcoyne, Laffin, Littlefield, Mackel, Marshall, Masterton, McBreairty, Mitchell, Nelson, M.; Norris, Palmer, Perkins, Plourde, Post, Quinn, Raymond, Shute, Silsby, Spencer, Sprowl, Stubbs, Talbot, Tarr, Tierney, Trafton, Valentine, Wilfong, Wood, Wyman.

NAY — Aloupis, Austin, Berry, Biron, Boudreau, A.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carey, Carter, F.; Chonko, Clark, Cote, Curran, Devoe, Dexter, Dutremble, Elias, Fenlason, Gauthier, Gillis, Goodwin, K.; Gould, Green, Hall, Hickey, Hunter, Immonen, Jackson, Jensen, Kany, Kelleher, Kerry, LaPlante, Lewis, Lizotte, Lougee, Lynch, MacEachern, Martin, A.; Masterman, Maxwell, McHenry, McKean, Mills, Moody, Morton, Nadeau, Najarian, Nelson, N.; Peakes, Pearson, Peltier, Peterson, Prescott, Rideout, Rollins, Smith, Stover, Strout, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, The Speaker.

ABSENT — Jacques, Jalbert, LeBlanc, Locke, Lunt, Mahany, McMahon, McPherson, Tarbell, Tyndale, Whittemore.

Yes, 70; No, 69; Absent, 12.

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

The Chair laid before the House the following matter:

Bill "An Act Relating to Resident State Police Troopers" (Emergency) (H. P. 1493) (L. D. 1705) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate. (Later Reconsidered)

On motion of Mr. Kelleher of Bangor, the House reconsidered its action of earlier in the day whereby Bill "An Act Requiring the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Ser-

vice Customers in a Telephone Exchange and to Promulgate Rules and Regulations Relating to the Establishment of Extended Area Service" (H. P. 650) (L. D. 794) (C. "A" H-254) was passed to be engrossed pursuant to Consent Calendar rules.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-254) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I would like to ask that we reconsider our action whereby we voted to enact L. D. 623, and I hope you will vote against my motion.

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, moves that we reconsider our action of earlier in the day whereby an Act to Provide for Specially Designed Registration Plates for the Maine National Guard (H. P. 504) (L. D. 623) (C. "A" H-151) was passed to be enacted. All those in favor of reconsideration will say yes; those opposed will say no.

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

On motion of Mr. Quinn of Gorham, the House reconsidered its action of earlier in the day whereby Bill "An Act Relating to Resident State Police Troopers" (Emergency) (H. P. 1493) (L. D. 1705) was passed to be engrossed as amended by House Amendment "A".

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-266) was read by the Clerk.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: My amendment deals with the resident trooper program and simply provides that the participating share of the municipalities concerned shall be raised from 75 percent to 90 percent. I just got a note that asked me if this wouldn't kill the bill. My answer is, I don't think it will kill the bill. It is certainly not my intention to kill the bill. You remember, his participation in this program is voluntary on the part of the municipalities concerned. While I had some rather gray reservations about the bill, originally, I am perfectly willing to accept the decision which was made clearly here the other day as to the intent of the House in attempting to solve rural crime.

I do compliment the gentleman from Stonington, who has worked hard on the bill, and the State Government Committee who has done a good job of putting it together. I think perhaps my amendment does offer a choice that has not been given to the House. It will appeal, I think in two ways. First of all, it will satisfy some people, who are opponents to the bill, in that it will address the question of some minor fiscal irresponsibility. In Gorham, we pay a little better than \$30,000 a year to maintain each policeman we have in our town and we do that entirely through our own efforts. We have an outstanding police department. In fact, I think you would find that we pay our police more than any municipality in the State of Maine.

We feel that we have been conscientious. We feel that we worked hard on this. We also contribute through our property taxes to the Cumberland County sheriff's department who services some towns who have been less concerned than we with law and order. The net effect, I think, of asking Gorham now to participate additionally in sharing the police expenses of towns who by ratio have exactly the same population we do in our 55 square miles, is to some extent to penalize the conscientious and to reward the slothful. To that extent, it

should satisfy those opponents. It should also satisfy, I think, the proponents of the bill, in that it should sharply increase its chances of eventual passage.

The cost figure on the bill before you is approximately \$100,000 for the biennium. You know as well as I know exactly how much change there would be to get \$100,000 off that Appropriations Table at the end of the session. My amendment reduces this figure of \$100,000 to approximately \$40,000, using the same ratio that the bill itself used originally. I, therefore, honestly submit that this amendment does, for those of you who want to see the bill, increase its chance of actual passing. If you really do want to seriously address our rural crime problems and you do think that this is a good program with which to do it, I suggest then, you should approve my amendment.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a bad amendment. To me, it does away with all of the intent of the original law. The original law is to attempt to help some of the rural communities get good police protection. I just feel that it is going to spoil the whole bill. I move the indefinite postponement of this amendment.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As House Chairman of the Committee on Transportation, I oppose the indefinite postponement of this amendment. I feel this is the art of compromise.

I accepted your decision the other day, but I would like to point out to you, the federal government is going to definitely have a curtailment of the auto industry in regards to purchases of gasoline, would increase taxes, we are going to see the revenues in the Transportation Department go down and I think it is only good common sense and good judgment to accept this amendment. This is a compromise. This is something I think will give you the opportunity of having your rural state policeman if you want him. You are only going to pay 90 percent of it; we are going to pick up 10 percent, I think it is a fair amendment. I think it is the art of compromise and I would urge you all to join with me and oppose the indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: We have already debated this last week and I won't prolong that vote any longer, but I would like to add a couple of highlights to this on the legislation of the resident state trooper.

I question the amendment from the good gentleman from Gorham in that he received a note a couple of minutes ago about whether or not trying to kill the bill. There are only ten state troopers involved in this program and there are more than ten communities in the State of Maine that desperately need them. A lot of these are rural communities that are already paying high taxes and getting only very few community services. They really need the police coverage and I would urge your vote to indefinitely postpone the amendment.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I stand to concur with the indefinite postponement of this amendment. A couple of things I would like to run by Number one, the fiscal note on this is somewhere around \$64,000 for the biennium. What I object mainly to the fact that the property tax is already being paid by these towns for law enforcement by the sheriff departments. The property tax has already got-

ten nailed to be protected. If we increase this and the people want to go along with it, then they are increasing the taxation for a dual purpose. I therefore concur with the indefinite postponement of this and when the vote is taken, I ask for the yeas and nays.

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

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the bill, I think it is a good bill and it is a good program, but looking at this amendment, I don't see how we are going to afford it. The municipalities are going to contribute 90 percent. They are going to have to bid for the services of these ten troopers, I guess.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I do want to correct one fiscal note. I read from the bill the original note which says, "The fiscal impact will be \$64,365 in 1977 and 1978. It will be \$45,400 in 1978-79, which is a total of \$109,765." I propose to reduce that by 60 percent, which leaves a balance of \$43,886. The cost, if the figures are correct in the original bill, under this amendment will be \$43,886.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would urge you very quickly and very briefly to support the motion of indefinite postponement for two reasons. First of all, I am sure that you remember that this in fact is a pilot project for two years, at which time the chief of state police will go back to the legislature with the towns that have been involved and report on it. It could well be at that time that the recommendation would be that the towns pick up the total funding. I think in order to get the program off the ground, there has to be some state participation.

When I drafted the bill originally, we talked about a 50-50 state/local participation during the redrafting process we increased the local participation from 50 percent to 75 percent. I don't think this is fiscally irresponsible. I realize the tight money situation that we are all in. I would ask us to oppose this amendment. To engross this bill, hope the other body would do the same, and at the end of the session when we realize how much money we have left, perhaps there would have to be other considerations. At this time, I am opposed to this amendment.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose this amendment for the simple reason that we are already subsidizing law enforcement in the urban areas and I believe this was mentioned the other day. I think this is a compromise all the way through. If the urban areas want to help subsidize a little law enforcement in the rural areas, our good friend Representative Greenlaw has a good bill and a good suggestion. I certainly hope you will vote to indefinitely postpone this 90 percent amendment.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: What about the towns like my town, Old Town, who pay local taxes to support a police department, pay county taxes to support the sheriff's department, pay state taxes to support the state police all over the state and are now going to be asked to fund this program of Mr. Greenlaw's. I have nothing against the program and I intend to vote for it but I think that the amendment that has been proposed by Mr. Quinn is a reasonable amendment when you stop to think about it. Stop to think that the towns that are "desperately in need" of police protection should be asked to fund most of the money. After all, the towns

like Old Town or any of the other towns that have a municipal police force are asked to provide their own law and order departments, police departments, and then asked to provide a county one and a state one and are now asked to provide another program, it is just too much.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: Very briefly, I would like to reiterate the comments made by the good gentleman from Old Town, Mr. Pearson. I represent the city of Auburn and I am also a municipal officer from that city. We spend a tremendous amount of money every year to support our local police department. We spend a lot of money to support a county government police force there and also the state.

I supported Mr. Greenlaw's bill the other day at 75 percent. I believe in the program, I think it is a good program. I had financial reservations about it, but I supported it because I feel we should do something to help our rural communities out because crime has emanated from the urban areas into the rural areas over the years. I don't think there is any question that rural crime has increased. Mr. Quinn's amendment suits me just fine.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I think the last two speakers' points are well taken and I, in fact, have two towns of my seven which have already operating police departments, but I come to you to plead for the other five towns who as yet have not had a more sophisticated brand of enforcement. This is merely a pilot program, which the gentleman from Stonington has pointed out to you, and we ask you to help support this pilot program for two years. We are not asking for ad infinitum, we are asking for a trial program and we would appreciate your vote on this and vote to indefinitely postpone the amendment.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterman.

Mrs. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address my remarks to Representative Quinn. Southeasterly of Portland is Cape Elizabeth. We are a small town too. We are not supported by industry, the homeowners pay our taxes in Cape Elizabeth. We have a police force. We, like Gorham, are paying for the sheriffs of Cumberland County which never come into Cape Elizabeth; yet, I support this bill for a residential state trooper program for the State of Maine.

Crime and the prevention of it is a statewide project, it is of statewide concern. Many of the people who live in Cape Elizabeth and Gorham and Old Town have camps up in these rural towns around lakes. They don't like to be vandalized or broken into, so I say, we, like our State Government Committee, ought to rise above the parochial concerns of our local towns. This is a statewide problem.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I would just like to make a couple of brief comments in reference to the good comments made by the gentleman from Blue Hill, and that is the fact that this is a pilot project. Well, all I can say to that is, beware, because pilot projects remind me of federal money and they give it to you on a one-shot basis, but you are, unfortunately, in most instances, left holding the bag.

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

Ms. BACHRACH: Mr. Speaker, I would just like to reply to one of the statements made here today, which is that the rural communities have no other access to police protection. I would

like to remind you that if you feel you can't afford 90 percent of the cost of a state trooper in residence, you can always fall back on your dear old sheriff's department. If you think the sheriff's department isn't doing a good job, why don't we go to work and improve the sheriff's department and not try to supplant them with another type of police protection in the rural areas?

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, I have been a cop for 30 years in another state before I came to Maine. On this proposition here, with all the vandalism that is going on in the rural areas, around the lakes, the camps, the arson that is being committed, the total property loss out there, this bill has a lot of merit to it. My original thinking was 60-40, and I can see that it goes 75-25, but on this 90-10, I can't do it. There is no way I can approve this amendment. There is no way they are going to be allowed in the rural areas and out in the boon docks to be able to get any police protection at all.

There is no county I know of that has a sheriff's department that can cover the camp areas as thoroughly as they ought to be covered. In this way here, under resident state police, those things can be worked on and straightened out. It won't be done overnight, it will take a few years, at least in my mind, probably five years to be able to work out a system whereby something can be accomplished.

Your insurance companies won't cover the property out in those areas any more because arson is so prevailing that they can't afford to take that risk. If we pass this through with a 75-25, which I can see to do, then we can start to accomplish something in the suburban areas so we can get some protection for the people out there, especially the elderly. We won't have our papers full of these cases of the elderly being assaulted and killed in their own homes out there.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Could I inquire from the Assistant Majority Leader what the impact of this will be to each town? He has given us total figures; but could he break it down and tell what it would cost each individual town if they were to have it?

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to the gentleman from Gorham, Mr. Quinn, who may answer the question if he so desires.

The Chair recognizes that gentleman.

Mr. QUINN: Mr. Speaker and Members of the House: The impact would be 90 percent of \$25,000 in the case of each patrolman with a vehicle. The state would be responsible to pay \$2,500 for each patrolman and for each vehicle. As for the cost per person, it depends entirely on density of the coverage which the trooper provides, and there is no simple answer to it. If he were to be provided to protect a hundred people, it would then cost so much apiece. If he would be provided to protect 10,000 people, it would vary. There is no way to answer the question because it depends entirely on who would ask for the police and who would be willing to pay their share of the cost.

I think you would find, however, that the percentage of per taxpayer expenditure in ratio to police coverage would remain almost exactly the same to the towns with population of about 10,000.

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

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I won't belabor this issue any longer. I just want to point out to you that last weekend in my area, about 300 young people got together and they were going to lay rubber. It is the first time I have seen the county sheriff and the state police and all the facilities cooperate. They cooperated from the air, on the ground and everywhere. They routed them, drove them and they headed for Kennebunk, and when they got down there, they had a reception committee for them there. This is the cooperation I am asking for throughout this state. The state police, the county sheriff and all concerned started cooperating and working together and I won't oppose this bill any longer.

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

Ms. CLARK: Mr. Speaker, I would request that my vote be paired with Representative Post of Owls Head. If she were here, she would be voting yes and I would be voting no.

The SPEAKER: The gentleman from Freeport, Ms. Clark, wishes to pair her vote with the gentleman from Owls Head, Mrs. Post. If the gentleman from Owls Head, Mrs. Post, were present, she would be voting yes, and if the gentleman from Freeport, Ms. Clark, were voting, she would be voting no.

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

Mr. HUGHES: Mr. Speaker, I would ask that my vote be paired with the gentleman from South Berwick, Mr. Goodwin. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that House Amendment "B" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Bagley, Bennett, Benoit, Berry, Blodgett, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carrier, Carter, D.; Chonko, Churchill, Conners, Cox, Curran, Dexter, Diamond, Dow, Dudley, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hickey, Huber, Hunter, Hutchings, Immonen, Jackson, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Lynch, MacEachern, Mackel, Masterton, Maxwell, McBrearty, McKean, Mills, Mitchell, Moody, Morton, Norris, Peakes, Peltier, Perkins, Plourde, Rollins, Shute, Silsby, Smith, Spencer, Stover, Strout, Tarbell, Tarr, Teague, Tierney, Torrey, Tozier, Twitchell, Valentine, Whittemore, Wilfong, The Speaker.

NAY — Aloupis, Ault, Bachrach, Beaulieu, Berube, Boudreau, A.; Boudreau, P.; Brennerman, Carey, Carroll, Carter, F.; Connolly, Cote, Cunningham, Drinkwater, Durgin, Dutremble, Fowle, Green, Henderson, Higgins, Hobbins, Howe, Jalbert, Jensen, Joyce, Kane, Mahany, Marshall, Martin, A.; McHenry, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Peterson, Prescott, Quinn, Raymond, Sprowl, Stubbs, Talbot, Theriault, Trafton, Truman, Wood, Wyman.

ABSENT — Biron, Birt, Davies, Devoe, Gauthier, Jacques, Kelleher, LeBlanc, Locke, Lunt, Masterman, McMahon, McPherson, Palmer, Rideout, Tyndale.

PAIRED — Clark, Goodwin, H.; Hughes, Post.

Yes, 83; No, 48; Absent, 16; Paired, 4.

The SPEAKER: Eighty-three having voted in the affirmative and forty-eight in the negative,

with sixteen being absent and four paired, the motion does prevail.

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

(Off Record Remarks)

On motion of Mr. Mackel of Wells,  
Adjourned until nine o'clock tomorrow  
morning.