

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

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

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## HOUSE

Monday, May 9, 1977

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

Prayer by the Reverend Jim Brosius, Pastor, Windsor Memorial Baptist Church.

The members stood at attention during the playing of the National Anthem by the Monmouth Academy Band of Monmouth.

The journal of the previous session was read and approved.

The following Bill appearing on the Consent Calendar First Day was taken up out of order by unanimous consent:

## Tabled and Assigned

(H. P. 968) (L. D. 1165) Bill "An Act Relating to the Spending Ceiling for Education Purposes," (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-282)

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-282) was read by the Clerk.

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

Mr. JACKSON: Mr. Speaker, could we have an explanation of this?

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The amendment does certain things — under Section 1, Optional Local Funds, without State Participation; and then Section 2, Funds Raised under a Hardship Waiver Granted by the State Board of Education. What the bill does is allow a local unit to get back to this year's cost by using a maintenance effort and the leeway. Then, if necessary, to approach the State Board of Education for a hardship waiver.

Local funds, without state participation, will be included in the local unit's cost but will not be included in the averaging of state per pupil cost.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose another question to the gentleman from Livermore Falls or another member of the Education Committee. That is, does this remove the present ceiling that would go in effect July 1 if we do not change the law?

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question, it has an emergency preamble. If enacted, it goes into effect when it is signed by the Governor.

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

Mrs. NAJARIAN: Mr. Speaker, I would like to pose a question again to the Chairman of the Committee on Education. If school units are granted a hardship waiver, are those costs included in the total cost of school operation?

The SPEAKER: The gentleman from Portland, Mrs. Najarian, has posed an additional question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, under the amendment, the monies appropriated under a special grant of authority by the State Board of Education shall be included in any future calculation of the administrative units, elementary and secondary per pupil operating cost, but shall not

be included in any future calculations of the state average or total operating cost.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Having just gone through in April the trials and tribulations of the ever-increasing cost of education, I am a little hesitant here today to extend to another year the lifting of the ceiling on educational spending. It would seem to me that all the good words that were said about the increase in educational costs and we must at some time put a stop to them, these were all for naught if we extend for one more year the ceiling on educational spending, regardless of how you increase it.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The spending bill that you have before you is a modified ceiling. The effect of this will be to put some controls on education. A year from now, local funds raised and appropriated will make it a little more of an effort to control education costs, and I think there has to be some effort in this direction. It is not going to cripple the state, they can still move within the provisions of this amendment.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: As you may remember, I had a bill in to remove the ceiling and I also presented an amendment when we were debating some of the education compromises. I came upon this this morning and have not had a chance to really figure out the total impact, particularly on my town, but I would point out to you that in Cumberland County, particularly in the Portland area, the City of Portland and towns around it, the lack of removal of the ceiling would have a major impact on the towns. For example, in Portland, they face a problem of about \$2 million. In my town, Yarmouth, they face a problem of \$400,000.

I am not quite sure how this applies to it and what the net impact would be of it. I think it will solve the problem for us, at least temporarily, and I would stress temporarily, but I do think that this is not a problem just in Cumberland County, it is throughout the state, and I think all of you should weigh this against your school systems and see what this does as far as your school systems are. It may be that someone would want to table it.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: If the members of the House are concerned about the cost in their local units, if they would look at the printout, the last column over is the amount of money that is needed to get back to this year's costs. I think you can work that out. You have an allocation for your unit and you know the number of students and the difference between this year's costs and the amount allocated for your unit can be made up with leeway and a maintenance of effort. The leeway will have to be used before the maintenance of effort.

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

Mrs. NAJARIAN: Mr. Speaker, I would like to pose a question. What is the plan for moving this bill along and when will it be in a position to be amended or to offer amendments?

The SPEAKER: The Chair would advise the gentleman that it was the original intention to have the bill for enactment tomorrow.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker and Members of the House: In answer to the question that is im-

plied in this statement, all the superintendents in the state were notified of this bill and the vocational bill that is on your calendar today. They were all given the impact on their local unit last Friday.

We are coming rapidly to a time when school budgets have to be enacted and I think it is in the interest of the legislature and the school units to enact both bills as quickly as possible.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: My problem is that I think that when a school applies for a hardship waiver and that is granted, that ought to be included in the total cost of school operations. It doesn't make any sense to me to include interscholastic sports which cost \$5 million in the school funding law and not to include basic educational costs, especially when they demonstrate to the state board that there is a hardship. I just don't think that is fair or the right way to go about it.

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

Mr. LYNCH: Mr. Speaker, in answer to the question, that is local control. If you want to control your local expenditures, you look around at the programs where you are spending the money and see where they can be cut.

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

Mr. JACKSON: Mr. Speaker, I move this be tabled for one legislative day.

Whereupon, Mr. Lynch of Livermore Falls 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 Yarmouth, Mr. Jackson, that this Bill be tabled pending the adoption of Committee Amendment "A" and tomorrow assigned. All those in favor of that motion will vote yes; those opposed will vote no.

## ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Berry, Berube, Biron, Blodgett, Bunker, Carroll, Carter, D.; Carter, F.; Churchill, Clark, Conners, Cote, Cunningham, Davies, Drinkwater, Durgin, Dutremble, Elias, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jalbert, Joyce, Kany, Laffin, Locke, MacEachern, Martin, A.; Masterman, Masterton, Maxwell, McBairty, McKean, McPherson, Mills, Nadeau, Najarian, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Raymond, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Talbot, Tarbell, Tozier, Trafton, Valentine, Whittemore, Wilfong, Wood.

NAY — Bagley, Beaulieu, Bennett, Benoit, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Burns, Carey, Chonko, Cox, Dexter, Diamond, Dow, Fenlason, Flanagan, Fowlie, Hall, Henderson, Immonen, Jensen, Kilcoyne, LaPlante, Lewis, Lizotte, Lunt, Lynch, Mahany, Marshall, McHenry, Mitchell, Morton, Nelson, M.; Peterson, Plourde, Prescott, Quinn, Rideout, Rollins, Stover, Tarr, Teague, Theriault, Tierney, Torrey, Truman, Wyman.

ABSENT — Brenerman, Bustin, Byers, Carrier, Connolly, Curran, Devoe, Dudley, Gauthier, Gould, Jacques, Kane, Kelleher, Kerry, LeBlanc, Littlefield, Lougee, Mackel, McMahon, Moody, Norris, Peakes, Post, Spencer, Twitchell, Tyndale.

Yes, 75; No, 49; Absent, 26.

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

**Papers from the Senate  
Reports of Committees  
Ought Not to Pass**

Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act Establishing Standards for Surveys of Municipal or County Boundaries" (S. P. 397) (L. D. 1356)

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

**Leave to Withdraw**

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Establish a Closed Season on Deer on Deer Isle" (S. P. 194) (L. D. 591)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Regulate the Use and Possession of Compressed Air for the Purpose of Scuba Diving" (S. P. 378) (L. D. 1254)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Relating to the State Board of Social Workers Registration Law" (S. P. 29) (L. D. 41)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Clarify the Powers of the Department of Inland Fisheries and Wildlife" (H. P. 354) (L. D. 447) on which the Minority "Ought Not to Pass" Report of the Committee on Fisheries and Wildlife was read and accepted in the House on May 2.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-243) Report of the Committee on Fisheries and Wildlife read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-243) in non-concurrence.

In the House:

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

Mr. DOW: Mr. Speaker, I move that we recede and concur.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I am opposed to the motion to recede and concur. I think a number of you will recall somewhere between a week and ten days ago that this House overwhelmingly defeated this particular bill. I am rather surprised, frankly, that the good Commissioner of Inland Fisheries and Wildlife has requested this power, because less than a month ago, he told me that a former Attorney General had at one time informally suggested to him that he promulgate no regulation without some type of a public hearing. It seems that my memory tells me that this bill does give the Commissioner of Inland Fisheries and Wildlife authority to promulgate without a public hearing. I think it is an unwise delegation of power and I hope that we would defeat the motion to recede and concur so that we could move to adhere.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I think the amendment takes care of that. So I hope that you will recede and concur with the other body.

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

Mr. MacEACHERN: Mr. Speaker and Members of the House: This bill is mainly directed at communities where some communities have been enacting ordinances that pertain to fish and game. The reason for the bill is to prevent a hodge-podge of local ordinances across the state. It doesn't take away the hearing provision for the commissioner.

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

Mr. GREEN: Mr. Speaker, I would like to ask a question through the Chair to anyone who might care to answer. Would someone please explain the amendment, what it actually does to the bill?

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

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

Mr. DOW: Mr. Speaker and Members of the House: Actually, all it does, it takes the word "exclusive" out of the bill and adds "the" to the bill which in effect says that the commissioner will have "the" responsibility for management of all fish and wildlife in the state.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: One of the thoughts that came out of the hearing on this bill is the fact that if a community was desirous of not having hunting occur within the community itself, that they could not do this, but I submit to you that a community or a town, under a separate title, can outlaw the use of firearms within the town limits, so it is not concerned within this bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Peterson of Caribou 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.

**ROLL CALL**

YEA — Aloupis, Bachrach, Birt, Boudreau, A.; Brown, K. L.; Brown, K. C.; Carey, Connors, Connolly, Dow, Durgin, Gillis, Gray, Hickey, Higgins, Hutchings, Immonen, Lewis, Lizotte, Locke, Lunt, MacEachern, Marshall, Masterman, Maxwell, McBreairty, McKean, McPherson, Murton, Najarian, Norris, Perkins, Peterson, Plourde, Rideout, Smith, Sprowl, Tarbell, Teague, Theriault, Torrey, Whittemore.

NAY — Ault, Austin, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Blodgett, Boudreau, P.; Bunker, Burns, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Cote, Cox, Cunningham, Dexter, Diamond, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hobbins, Howe, Huber, Hughes, Hunter, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Lynch, Mahany, Martin, A.; Masterton, McHenry, Mills, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Post, Prescott, Quinn, Raymond, Rollins, Shute, Silsby, Stover, Strout, Stubbs, Talbot, Tarr, Tierney, Tozier, Trafton, Truman, Valentine, Wilfong, Wood, Wyman.

ABSENT — Biron, Brenerman, Bustin, Byers, Carrier, Curran, Davies, Devoe, Dudley, Gould, Jacques, Kane, Kerry, LeBlanc, Littlefield, Lougee, Mackel, McMahon, Moody, Peakes, Spencer, Twitchell, Tyndale.

Yes, 42; No, 85; Absent, 23.

The SPEAKER: Forty-two having voted in the affirmative and eighty-five in the negative, with twenty-three being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

**Non-Concurrent Matter**

Bill "An Act Relating to Political Fundraising by State Employees" (H. P. 453) (L. D. 558) which was Enacted in the House on May 5, 1977.

Came from the Senate failing of Enactment in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, the House voted to insist.

**Petitions, Bills and Resolves**

**Requiring Reference**

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

**Business Legislation**

Bill "An Act to Require Filing and Prior Approval of all Rates for Use by Nonprofit Hospital or Medical Organizations." (Emergency) (H. P. 1539) (Presented by Ms. Clark of Freeport)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Amend the Charter for the Maine Institution for the Blind" (Emergency) (H. P. 1540) (Presented by Mrs. Najarian of Portland)

(Ordered Printed)

Sent up for concurrence.

**Orders**

An Expression of Legislative Sentiment (H. P. 1541) recognizing that: Fred M. West, who for 38 years has served the City of Portland School Department, is retiring as Director of Building Services

Presented by Mrs. Beaulieu of Portland.

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

An Expression of Legislative Sentiment recognizing: Louis C. Jalbert, Dean of The Maine House on the occasion of his Sixty-Seventh Birthday on the seventh of May, 1977

In honor of his having served thirty-one years, for 1632 legislative days, in the Maine House of Representatives, a record of service longer than that of any other person in the history of this elected body.

The membership of the House of Representatives of the 108th Legislature extends its recognition, admiration, and congratulations for this unparalleled record of service to the State of Maine.

(Presented by Mr. Tierney of Lisbon Falls.)

**House Reports of Committees**

**Ought Not to Pass**

Mr. Hickey from the Committee on Local and County Government on Bill "An Act Concerning Listing of Tax Exempt Real Property for Town Reports" (H. P. 1087) (L. D. 1311) reporting "Ought Not to Pass"

Mrs. Berube from the Committee on Local and County Government on Bill "An Act to Provide for the Purchase of Copies of 'Acton-Shapleigh, Maine, Past and Present' by the Acton and Shapleigh Historical Society" (H. P. 1245) (L. D. 1469) reporting "Ought Not to Pass"

Mr. Drinkwater from the Committee on Local and County Government on Bill "An Act Concerning Municipal Appropriations to a

Volunteer Fire Department" (H. P. 592) (L. D. 719) reporting "Ought Not to Pass"

Mr. MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Bass Fishing" (H. P. 263) (L. D. 331) reporting "Ought Not to Pass"

Mrs. Clark from the Committee on Business Legislation on Bill "An Act Relating to the Operation of Vending Machines" (H. P. 678) (L. D. 862) reporting "Ought Not to Pass"

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act Concerning Grocery Store Coupons" (H. P. 684) (L. D. 866) reporting "Ought Not to Pass"

Mrs. Beaulieu from the Committee on Education on Bill "An Act to Require the Use of Auto Simulators in Driver Education Programs" (H. P. 1227) (L. D. 1436) reporting "Ought Not to Pass"

Mrs. Mitchell from the Committee on Election Laws on Bill "An Act Requiring the Commission on Governmental Ethics and Election Returns to Transmit a Copy of Its Findings of Fact and Opinion to the Governor" (H. P. 617) (L. D. 810) reporting "Ought Not to Pass"

Mrs. Martin from the Committee on Local and County Government on Bill "An Act to Increase the Salary of the Sheriff of Cumberland County to \$15,000 per Year" (H. P. 830) (L. D. 1003) reporting "Ought Not to Pass"

Mr. Curran from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Reduce the Number of Signatures Necessary on Petitions to Initiate Legislation (H. P. 596) (L. D. 722) reporting "Ought Not to Pass"

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

#### Leave to Withdraw

Mr. MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act establishing an Experimental Open Season on Moose" (H. P. 49) (L. D. 70) reporting "Leave to Withdraw"

The Report was read.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This is my moose bill, but I thought I should explain that the reason this is being withdrawn is not because it is not a good bill but it is covered by the other moose bill and that is the reason it is here.

Thereupon, the Report was accepted and sent up for concurrence.

Mr. Tozier from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Ice Fishing on Reclaimed Ponds" (H. P. 1970) (L. D. 1262) reporting "Leave to Withdraw"

Mr. Hickey from the Committee on Local and County Government on Bill "An Act to Require That Maine Municipalities of 5,000 or More Population Have a Qualified Electrical Inspector" (H. P. 1229) (L. D. 1438) reporting "Leave to Withdraw"

Miss Aloupis from the Committee on Business Legislation on Bill "An Act Relating to Innkeepers, Victualers and Lodging Houses" (H. P. 607) (L. D. 744) reporting "Leave to Withdraw"

Miss Aloupis from the Committee on Business Legislation on Bill "An Act Relating to the Investigatory Powers of the Administrator of the Bureau of Consumer Protection" (H. P. 960) (L. D. 1152) reporting "Leave to Withdraw"

Mr. Lynch from the Committee on Education on Bill "An Act to Permit the Town of Orrington to Withdraw from School Union 91 and to Establish an Independent School Supervisory Unit" (H. P. 976) (L. D. 1173) reporting "Leave to Withdraw"

Mr. Fenlason from the Committee on Education on Bill "An Act to Establish the Opening Date for School no Earlier than the First Monday Following Labor Day" (H. P. 1308) (L. D. 1545) reporting "Leave to Withdraw"

Mr. Lynch from the Committee on Education on Bill "An Act Appropriating Funds for the Winthrop Public Schools" (H. P. 973) (L. D. 1170) reporting "Leave to Withdraw"

Mr. McMahon from the Committee on Election Laws on Bill "An Act to Clarify Voter Registration Procedures" (H. P. 222) (L. D. 286) reporting "Leave to Withdraw"

Mr. Curran from the Committee on State Government on Bill "An Act to Provide that the Chairman of the State Liquor Commission shall be the Director of the Bureau of Alcoholic Beverages" (H. P. 1394) (L. D. 1564) reporting "Leave to Withdraw"

Mr. Curran from the Committee on State Government on Bill "An Act Providing Approval Authority to the State Tax Assessor over Revaluation and Mapping Contracts" (H. P. 885) (L. D. 1093) reporting "Leave to Withdraw"

Mr. Curran from the Committee on State Government on Bill "An Act Relating to Financial and Other Types of Management Assistance" (H. P. 1218) (L. D. 1454) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft

##### New Drafts Printed

Mr. Lougee from the Committee on Veterans and Retirement on Bill "An Act to Repeal Certain Laws Relating to Defense and Veterans Services" (H. P. 1102) (L. D. 1326) reporting "Ought to Pass" in New Draft (H. P. 1542) (L. D. 1764)

Mr. Gray from the Committee on Local and County Government on Bill "An Act to Authorize the Purchase of 100 copies of 'Tall Ships, White Houses, and Elms, Thomaston, Maine, 1870-1900' published by the Thomaston Historical Society" (H. P. 493) (L. D. 612) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide for the Purchase of Certain Town Histories" (H. P. 1534) (L. D. 1759)

Mr. Spencer from the Committee on Judiciary on Bill "An Act Relating to the Possession of Firearms by Felons" (H. P. 359) (L. D. 450) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Possession of Firearms by Persons Convicted of Certain Crimes" (H. P. 1536) (L. D. 1761)

Mr. Cunningham from the Committee on Public Utilities on Bill "An Act to Dissolve the Lincoln Sanitary District" (H. P. 947) (L. D. 1142) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Enable the Transfer of all Assets and Liabilities, Except Bonds and Notes, of the Lincoln Sanitary District to the Town of Lincoln and the Dissolution of the Lincoln Sanitary District" (H. P. 1538) (L. D. 1763)

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

#### Ought to Pass Printed Bill

Mrs. Beaulieu from the Committee on Education on Bill "An Act to Authorize Certain School Debt Service Payments to be Off-set by Increased Payments to the Treasurer of State" (Emergency) (H. P. 975) (L. D. 1172) reporting "Ought to Pass"

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

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Prohibit Fish and Game Wardens from Trapping for Animals unless a Local Trapper is Used for the Trapping" (H. P. 939) (L. D. 1136)

Report was signed by the following members:

Messrs. USHER of Cumberland  
REDMOND of Somerset

— of the Senate.

Messrs. MILLS of Eastport  
PEARSON of Old Town  
GILLIS of Calais  
MASTERMAN of Milo  
TOZIER of Unity  
MacEACHERN of Lincoln  
DOW of West Gardiner  
McKEAN of Limestone  
PETERSON of Caribou

— of the House.

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

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Mr. ROLLINS of Dixfield

— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from West Gardiner, Mr. Dow, moves that the Majority "Ought Not to Pass" Report be accepted.

The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "ought to pass" report on this bill because I felt that the game wardens had something else to do besides work for themselves. I thought they were working for the State of Maine and the people. It is pretty hard for a game warden or any trapper, for that matter, to attend to his traps and have a full-time job at the same time. That was my reason for signing it "ought to pass" and I still think that is the way it should be and would ask for a division.

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

A vote of the House was taken.

68 having voted in the affirmative and 24 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Authorize a Bond Issue in the Amount of \$2,950,000 for a Fine Arts Classroom Building at the University of Maine at Portland-Gorham" (H. P. 1116) (L. D. 1334)

Report was signed by the following members:

Mr. USHER of Cumberland

— of the Senate.

Mrs. BEAULIEU of Portland  
Messrs. BAGLEY of Winthrop  
LYNCH of Livermore Falls  
Mrs. MITCHELL of Vassalboro  
Messrs. WYMAN of Pittsfield  
CONNOLLY of Portland

— of the House.

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

Report was signed by the following members:

Messrs. KATZ of Kennebec  
PIERCE of Kennebec  
— of the Senate.  
Mr. FENLASON of Danforth  
Mrs. LEWIS of Auburn  
Messrs. BIRT of East Millinocket  
PLOURDE of Fort Kent  
— of the House.

Reports were read.

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

Mr. LYNCH: Mr. Speaker, I move that the Majority "Ought to Pass" Report be accepted.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the Majority "Ought to Pass" Report be accepted.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat disturbed to find this particular item on the calendar this morning because while I am sure that there is a great need at the Portland-Gorham campus of the University of Maine for a Fine Arts building, I have quite a lot of information in connection with other buildings in the university system which rate higher on the university's priority list and which are the subject of another L. D. of which I happen to be the prime sponsor.

I would point out to the members of the House that there is a limit to what we can expect the people of the State of Maine to wish for in a bond issue. I would point out that at the last session of the legislature the priority list was vacated, all except the number one item, which provided a sum for the University of Maine at Portland-Gorham and there are some five to six million dollars worth of items that the university feels are necessary, not only at Portland, at Orono, but also at Portland-Gorham which are higher than this one. Therefore, Mr. Speaker, I would ask for a division and I would urge you to vote against the "Ought to Pass" Report so we can turn this over to the Senate "Ought Not to Pass."

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

Mr. HICKEY: Mr. Speaker, could I ask a question as to whether this requires a referendum vote, this bond issue?

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

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

Mr. QUINN: Mr. Speaker and Members of the House: The answer to Mr. Hickey's question is yes. This is a referendum question. It is not a request for a direct appropriation, it is a request for a bond issue, and the bond issue is to go to referendum of the people next fall in the event the legislature passes it.

I would offer a couple observations on the gentleman's remarks from Farmington. I agree that the university system has set high priorities for a building at Farmington, a building at Orono and the completion of furnishing the building on the Portland-Gorham campus. I in no way find fault with this set of priorities; in fact, I enthusiastically support them. Really, what I am offering here is sort of a bonus issue. The trustees felt that they had to cut their request for building money off, and, incidentally, this was the next item to be funded. This was the number one at the southern portion of the university to be picked up next, but they felt that they couldn't ask for more.

My position is relatively simple, straightforward. I think that the people of Maine are willing to give a little more in the form of a bond issue, and I think that this would be a note of pleasant surprise for the trustees. In effect, I have more faith in the good wishes of the people who wish to help the university than does the univer-

sity, but at any rate, this is in no way a challenge. In the event the people decide they do not want it, it is a very simple issue, they simply vote no.

I would urge you, at least for the purposes of thought and a chance for a little expression among the people, that we get just a little bit of time and chance for publicity for discussion on this thing, I would urge you to accept it and at least send it down the hall tomorrow.

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

Mr. HOWE: Mr. Speaker and Members of the House: I support the bill because when I was at Gorham State Teacher's College, as it was then called, and I was there about 14 years ago, I was a bit player with the theater department and a number of my friends were in the music department, we converted the cellar of old Russell Hall Gymnasium into the dressing room there, had to tear out the old lockers and the shower heads, because the dressing rooms backstage, you had to go up some creaky stairs and they were too noisy to use during the performance, it interrupted the performance at the theater.

The music department and the theater department, by the way, is still there in the cellar of that old gymnasium. The music department, as far as I know, still meets in the attic of Corthell Hall, up on the fourth floor. When I was in glee club and used to hum along, we would take a little break out at the end of the fire escape. There are a number of fine new buildings on the Gorham campus. The theater and music departments, unfortunately, have sort of been left behind, and I think it is about time to put them in new quarters.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: Although the gentleman from Gorham has indicated that there is no direct appropriation on this bill, I would like to direct a question to him with regard to section four, "interest and debt retirement" and to ask him how will the treasurer of the state pay for the interest and debt retirement? Will this be coming out of the general fund?

The SPEAKER: The gentleman from Auburn, Mrs. Trafton, has posed a question through the Chair to the gentleman from Gorham, Mr. Quinn.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question is in the affirmative as in all bond issues other than self-sustaining bond issues, this will be paid for in the eventual analysis from the university appropriations.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Probably in the best of all worlds, it would be fine to vote for this bond issue but when you consider the pressing needs of the university, I think it would be too bad to vote for this because it might be that when it went to referendum it would be this that would be approved by the people rather than one of the projects that is so sorely needed.

I had a letter this morning from Dr. Novac at the University of Maine at Portland-Gorham where he speaks of how the sore need to provide ceilings, laboratory bench work and movable equipment in the science building there and also we know that there is going to be a bill to require a bond issue for a building at the Orono campus and another one at the Farmington campus. On the priority list of the university, these are given top priority, whereas this fine arts building isn't.

I would hope that we would vote against this and maybe if we can pass the bond issue for

some of the other needs, it can come up another year.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote for this building because the population is in southern Maine. I would like to have a little more money spent down there because we have an energy shortage coming up.

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

A vote of the House was taken.

Mr. Quinn of Gorham requested a roll call.

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

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote for the Majority "Ought to Pass" Report for this bond issue. The need is critical and in the Gorham-Standish area which I represent, there are both students and faculty who feel that they really can't conduct the programs as they ought to be able to. The programs are all spread around into inadequate space and there is a great deal of interest in the programs and a feeling that the facilities are really impairing the fine arts programs. I think that it is an issue that the people ought to be able to decide and I would urge you to vote in the affirmative.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: If the need is so pressing, I wonder why it isn't a top priority item as far as the university is concerned. They do consider their science building a top priority. Maybe somebody can explain that?

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

Mr. QUINN: Mr. Speaker and Members of the House: The methods by which priorities are established with the University of Maine are much the same as priorities are established within any large bureaucracy. It is done essentially in response to squeaking axels. The squeaking wheel gets the grease. In the case of the fine arts in the University of Maine, they simply have not squeaked loudly enough. In 1954, the then campus at Gorham was assigned the task of teaching the fine arts for the State of Maine in trainer teaching. At that time, they needed a building and I assure you since 1954 it hasn't grown any less. In 1970, at the time of the merge of the university, it was then the number one priority. I assure you it hasn't grown any less. As an example of the way priorities are established, among those buildings which are listed as the university as of higher priority than this fine arts center is a building to train chemists for the paper industry in Orono. I yield to no man in my admiration of the paper industry and what it does for Maine. I simply question the access of the paper industry to the decision makers within the university system. They have people to speak for them: engineers, economists, lawyers, attorneys, and they present what is a valid case and they present it in a good manner. It influences the decision makers. There is no one to speak for the fine arts. We cannot measure the product that the arts give our state through dollars and cents. We can't tell you how many tons of paper it produces or

how much more efficiently it designs a craft process and reduces the smell in the air. All we can do is tell you we are trying to equip our young people with the necessary tools and acquaintance with their culture in their society in order to be full, well-rounded citizens. There is no doubt whatsoever that the arts have suffered a great deal particularly in the southern portion as pointed out where the population of the state exists. This center, if it should ever come into reality, would not only serve the university, it would serve the community and would be valuable.

This bill does not specify where it is to be built. This bill does not specify exactly what is to be built. I feel that should be entirely within the decision making authority of the university. If they choose to put it in Portland, fine. If they put it in Gorham, fine. If they decide to build it a little smaller or build only a portion of it, that is perfectly fine too. All this is is an exercise to show the decision makers within the university that there is a broad concern for the fine arts in our state and that there is an interest of the people and of this legislature of the state. In order to get something built at the university, you don't have to be a powerful, economic interest or you don't have to be a clearly identified lobby, that you can represent broadly the kind of thing that is needed in the community.

I repeat, it does not ask for appropriation. I repeat, it is unlikely it will go fully to fulfillment. It is obvious that there is some objection to it. It would eventually have to go for approval to a bond issue. All I ask is the body give it the grace of at least a one day hearing and a chance to send it down the hall for public discussion.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I will just pose one question to the good gentleman from Gorham, if I might. That would be whether or not there is another program of fine arts available to the University of Maine students within the other campuses?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to the gentleman from Gorham, Mr. Quinn.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: Yes, there are some fine arts programs but no fine arts major in theatre, no fine arts major in arts, except at UMPG.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: After listening to the gentleman from Gorham, I have decided that what we need here is a study order so that we can study how priorities are decided upon in the University of Maine system and not a \$2,900,000 dollar bill.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I do want to tell you that I appreciate the remarks of the gentleman from Gorham at his first time on his feet when he carefully elucidated the fact that this was not the highest priority program in the University of Maine system. I think I must disagree with him mildly. I certainly have no objections to a fine arts building in Portland. I would like to see a fine arts building on every campus. I would feel that the priority setting process is a valid one within the system and the trustees have that responsibility. It does not rest here in the House or in the Senate.

I would point out too that there are programs which are just as essential which do not have a lobby. I would pay particular attention to the

program at the Farmington campus which will be using this new building among many other programs for the special education division which has been coming to the forefront as a very highly needed program for teaching. We are getting away in Farmington from teaching elementary school teachers and we are moving into the specialties and this is one of the things the Farmington building will be used for.

As I say, my opposition to this is pretty low key but all I think the decision we have to make here today is, are we going to send out a multiplicity of choices for the people in a bond issue because all of these items are going to a bond issue, or are we going to send out the ones which the university feels are the highest priority and the most necessary? That is all we are talking about. Are we going to have a bond issue for five or six million or are we going to have one for five or six plus one for three and another one for two for university buildings? That is all we are talking about here today. I feel that we should limit to what the trustees have requested.

Therefore, I urge you to vote against this motion to pick up the fine arts building at Gorham so we can get to the "ought not to pass" report.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: As one of the signers of the "Ought not to pass," I thought I would at least give you a couple of the thoughts that came up during the discussion of this. It probably was fairly well covered by the gentleman from Farmington, Mr. Morton. When this was presented to the committee, it was completely lack of any information at all. There was no indication as to where it was going to be located. This had been pointed out. I asked that question. There wasn't even any indication whether there was sufficient money, whether there was too much money. It was a figure that was almost picked out of the air. I don't think that we, in good conscience, should be sending out bond issues to the people when we can't even tell you where they are going to be located or what the cost is or what the plans are. There is a great deal more planning that needs to go into this, possibly some kind of a study in a report back to the next legislature would make a great deal more sense.

Mr. Quinn of Gorham was granted permission to speak a third time.

Mr. QUINN: Mr. Speaker, Members of the House: I would address one remark made by my friend and highly respected colleague, Mr. Morton. I believe I quote him when I say he says "This is not the place for the needs of the university to be heard" and I would answer that in two ways. First I would say no, the eventual place for those decisions would be at the referendum when the people decide. Secondly, if this is not the place for the ideas to be broached and the ideas to be discussed and the ideas to have a chance, then I don't know where in the world it is in our democracy.

Finally, to address Mr. Birt's question for the lack of specificity on the design. There is a lack of specificity deliberately. I don't feel that that it is my prerogative or the prerogative of the people on the campuses who want it to specify where it should be built. It will be on the campus if you want to know where it will be built. Nor are we interested in designing buildings. This is a catch 22 proposition. It would be foolish for us to design a building and to say where it should go, then give it to the university willy nilly whether they liked it or not. All we are doing is offering a new notice if you read the bill closely. It is not directed that it shall be built. If the university doesn't want to build it, they don't have to build it. It is simply an expression of a need that is very clear and very definite in our state and one that deserves a

clear, public hearing and some clear, public discussion.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I rise reluctantly to oppose this bill because of its charming sponsor and because it is a building on the campus at Portland-Gorham. But we do have a building on the Portland campus which was built in 1975 and it still isn't completed. I am hoping that we can amend the bond issue to include the money to finish that building. I think we ought to finish one before we start another one. There is another concern of mine too that the amount of money on this bond issue is only around \$2,000,000 dollars or \$3,000,000 dollars and on the other one it is quite a bit more. The voters are liable to vote for the smaller amount and then pass over the larger amount and the larger amount I think is the one more needed by the university in the State of Maine.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It would seem practical to me if we are going to have a bond issue for the University of Maine we would have one bond issue. I can see the people going to the polls that know very little about it and money is a little tight and vote for the smaller one rather than the bigger one. I think if we have a bond issue for the University of Maine as bad as I hate to see one because it takes a lot of dollars to cover these bond issues later. But if we are going to do it, if we must bond, we should have it in one bond and people decide. I am sure the people where I come from this morning would be sure to vote for something in the field of medicine rather than arts and science, because in the field of M.D.'s, dentists and so forth, we have a great shortage and we need these people and we need them badly, probably in other places in the State of Maine. So we would leave this need to be decided by the trustees at the University of Maine and their better judgment. I trust their judgment better than what we know about it here this morning. I do hope that when we finally have a bond issue for the University of Maine, that it is all in one.

Mr. Morton of Farmington was granted permission to speak a third time.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I realize that when one sits down, he is never certain of what he said. However, I would point out that this is the place to discuss these things but I feel as though you can make your decision here and now. I do feel as the gentleman who just preceded me that the trustees have the responsibility, have the background, have the depth of knowledge and therefore, they are the ones who should be allowed to set the priorities. After all, that is what we are talking about ladies and gentlemen, not whether we build the building eventually or not, but to set the priorities.

I am a little appalled to learn from the debate this morning that there are no plans for the building here. There is no location set up for it, whereas the buildings that are in the other bond issue which has yet to come from the Education Committee, have been planned for two years or more. The features and the modern, up to date settings, have all been decided on once the people make their choice. This will still be up to the people. I feel as though it should be one proposition for the university. I would urge you to remember that last time the number two priority gave up its position so that there would be no problem and that the number one priority which was a Portland-Gorham priority would be the only thing before the people. I hope you will defeat the "Ought to Pass" motion.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I hate to rise today in opposition to this bill because I respect so much the opinion of the gentleman from Gorham, Mr. Quinn.

I think it is a matter of priorities but I also think that the House should take into consideration a critical factor and I think that is one of cost of operation. That has not been mentioned here yet today. Once the building, if it is okayed by the people of this state, someone is going to have to fund the operation of it: heat, lights, new faculty, whatever else is needed to maintain that building. I think the university would be the first to admit that they don't have monies in their budget now. They are running on a tight budget. I think the state is in the same situation. I think we should take that into consideration today that if this is passed and the people do okay it, that the state along with the university is going to be called upon to fund it. I think that, given the fact that the university's already said that this isn't one of their highest priority items, that we should in fact consider funding their priority items instead of trying to move on to other things that might be called gravy.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House accept the Majority "Ought to Pass" Report, a roll call having been ordered. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, P.; Burns, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Curran, Davies, Dow, Dutremble, Elias, Flanagan, Fowlie, Gauthier, Goodwin, H.; Green, Greenlaw, Hall, Henderson, Hobbs, Howe, Jalbert, Jensen, Joyce, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Shute, Spencer, Sprowl, Talbot, Tarbell, Tierney, Tozier, Truman, Valentine, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Birt, Boudreau, A.; Brown, K. L.; Brown, K. C.; Bunker, Byers, Carter, F.; Churchill, Connors, Cox, Cunningham, Devoe, Dexter, Diamond, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Goodwin, K.; Gray, Hickey, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Lewis, Lougee, Lunt, Marshall, Masterman, Masterton, McBrearty, McMahon, McPherson, Mills, Moody, Morton, Najarian, Palmer, Pearson, Peltier, Perkins, Peterson, Raymond, Silsby, Smith, Stover, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Trafton, Twitchell, Whittemore, Wilfong.

ABSENT — Ault, Brenerman, Bustin, Gould, Jacques, Kane, Kerry, LeBlanc, Littlefield, Mackel, Peakes, Tyndale.

Yes, 74; No, 65; Absent, 12.

The SPEAKER: Seventy-four having voted in the affirmative and sixty-five in the negative, with twelve being absent, the Majority "Ought to Pass" Report is accepted.

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

#### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Public Compensation to the Victims of Crime" (H. P. 707) (L. D. 841) reporting "Ought to Pass" in New Draft (H. P. 1535) (L. D. 1760)

Report was signed by the following members:

Messrs. MANGAN of Androscoggin

CURTIS of Penobscot

— of the Senate.

Messrs. SPENCER of Standish  
HUGHES of Auburn  
BENNETT of Caribou  
NORRIS of Brewer  
HENDERSON of Bangor  
HOBBINS of Saco  
GAUTHIER of Sanford

— 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. COLLINS of Knox

— of the Senate.

Messrs. DEVOE of Orono  
TARBELL of Bangor  
Mrs. BYERS of Newcastle

— of the House.

Reports were read.

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

#### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Modify the Grounds for Divorce and the Proceedings to Obtain a Divorce" (H. P. 821) (L. D. 994) reporting "Ought to Pass" in New Draft (H. P. 1537) (L. D. 1762)

Report was signed by the following members:

Messrs. COLLINS of Knox  
CURTIS of Penobscot  
MANGAN of Androscoggin

— of the Senate.

Messrs. SPENCER of Standish  
HUGHES of Auburn  
HENDERSON of Bangor

Mrs. BYERS of Newcastle

Messrs. NORRIS of Brewer  
TARBELL of Bangor  
DEVOE of Orono  
BENNETT of Caribou  
HOBBINS of Saco

— of the House.

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

Report was signed by the following member:

Mr. GAUTHIER of Sanford

— of the House.

Reports were read.

On motion of Mr. Spencer of Standish, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for Second Reading tomorrow.

#### Divided Report

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act Relating to Military Service Credit of State Employees under the State Retirement System" (H. P. 665) (L. D. 806)

Report was signed by the following members:

Messrs. COLLINS of Knox  
O'LEARY of Oxford  
LOVELL of York

— of the Senate.

Messrs. THERIAULT of Rumford  
BUNKER of Gouldsboro  
Ms. CLARK of Freeport

Messrs. LOUGEE of Island Falls  
MacEACHERN of Lincoln

— of the House.

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

Report was signed by the following members:

Messrs. LAFFIN of Westbrook  
NELSON of Roque Bluffs

HICKEY of Augusta

AUSTIN of Bingham

— of the House.

Reports were read.

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

Mr. THERIAULT: Mr. Speaker, I move that we 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 today is a bill that would give veterans the right to accumulate their military service. The present law, by the way, is that now; they have to have 15 years. On the vested rights, what this bill does is allow them to have 10 years instead of 15 and they buy up the other 4 years for their retirement. However, they still have to have the years of service, they still have to be over the age of 60 before they are eligible to receive it.

The only difference in this bill and the present law is that we are dropping it down 5 years. I believe that veterans are entitled to every consideration that this legislature can give them. I believe that where the present system is 15 years, many of them would have to work up and it is very possible that many of them, where we have a mandatory retirement age of 70, that they wouldn't have enough years' service to get a pension out of the state. There are always those people who say, well, if they went in at 17 and come out at 37, they would have plenty of time, but if a person was in the Armed Services and they got in late and come out late, there is a very good possibility that they would not be eligible for this pension.

The present law, it is 15 years, and we are asking under this bill to have it dropped to 10 years, and they, of course, have to pay the minimum of 5 percent and if they buy up their time, they still have to pay the full amount which is in effect at the time of their retirement.

Therefore, I would ask for the yeas and nays.

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

Mr. THERIAULT: Mr. Speaker, Members of the House: Being a veteran, I usually work for the veteran, legislate, and I am sorry to be on the opposite side on this but I am afraid that I have to be.

First, there should be a fiscal note on this, but I don't blame the sponsor for not having one because it is impossible at this time to know how many individuals would qualify for this benefit.

It was brought out in the hearing by one person that was there and being used as an example, it would cost the state approximately \$8,200 for each person that would take advantage of this benefit. If we had 100 members that would take advantage of this, it would mean a cost of \$820,000 to the state. This is not a wild figure, this is how many veterans that are working for the state and it probably is 100 or more.

Another point is that this would benefit only a small fraction of the state veterans and, for one, I feel that no veteran should be discriminated against because they don't work for the state.

I move the "ought not to pass."

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This is, as they say, my bill and it was brought to my attention that there is really a basic inequity in our retirement system, and this was suggested to me by a person who is a state employee, even in the face of a lot of adversities that state employees face these days. It was pointed out that what they have to do is, they can work 10 years to retire



and get retirement benefits, let's say, in the retirement system, but they have to work 15 years before they have any opportunity to buy up some of their veterans time, which is permitted now, to be part of their vested, I don't know the words because I am not that familiar with the system, their credits, let's say, with the retirement system. So what they have to do, in effect, is work five years longer than any other employee would have to work in order to get at least their full rights as far as being veterans are concerned.

There was some objection because sometimes people view retired veterans as those fellows with confetti on the front of their shirts and stars on their shoulders, but this is not the kind of person that we are talking about when we are talking about veterans who are working for the State of Maine. We are talking about many people who sometimes served one or two years in the service, active duty, and then have come back and worked for the state. Those people are not going to be getting a fat retirement from the Army and a fat retirement from the State of Maine. I think, as you already realize, you don't get a fat retirement from the State of Maine.

I think the figure that was indicated by Mr. Theriault, at least as I heard it, was that the cost was \$8,000 but that that was shared between the contributions that the employee makes and the state. I thought that the amount was half of that \$8,000.

It is unfortunate, but it is true, that there is no adequate count of what is going on as far as the number of veterans in our service, and I think that that may be a problem with the retirement system itself. Maybe they ought to be a little more effective in being able to provide the information on which you can act. If they don't provide it, I don't think it is fair to say therefore, we can't give what reasonable credits ought to be due. There were quite a few members of the veterans organizations at the hearing and I don't recall that there were any opponents to this particular bill.

I hope you will be able, in this particular case, to try to give some equity to the state employees who are already having a difficult time, and especially those who are veterans.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: I hope you would listen closely to the remarks of the Chairman of the Committee on Veterans and Retirement and also the remarks of the sponsor of this measure, Representative Henderson from Bangor, for indeed there were no opponents at the public hearing on this measure. But there is problem, and the problem is that the number of people who would qualify for a 10 year buy in military time pension is incalculable.

The committee took one person, one of the individuals who testified as a proponent at the public hearing, and the gentleman entered state service at what we call a later age. In order to determine that individual's increased retirement, you take 5 percent of the individual's first year's earnings, times the number of years in military service up to four years, and that is what the individual must pay to purchase the military time. However, in this particular individual's instance, the value was about \$9,500 based on his first year earnings. He would have to contribute approximately \$1,240. The Maine State Retirement System will then have to absorb the balance, and anyone who is already retired will be able to come in and establish claim, pay the contributions on the same basis and the retirement benefit would be increased because of that military credit.

It is absolutely imperative that the current 15 year requirement be retained, for not only do the people who either retire, who have already

retired, qualify to come back in and purchase the additional military time at earlier years, but there is absolutely no way that the current state employees who qualify for military time can be determined. The fiscal note on this bill is missing and it is incalculable.

There is one body that does oppose passage of this measure, and it is the Maine State Retirement Board of Trustees.

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

Mr. QUINN: Mr. Speaker, Members of the House: I can address this bill without having, I guess, much self-interest. I have military service which would be creditable under this bill eventually, if the voters in Gorham are persuaded to send me back here a few more times, but I have rather severe reservations about it. I, speaking as someone who could benefit from it, would oppose it on general principle.

I certainly have no objection to rewarding veterans for things they have earned; I like rewards as much as the next man. This essentially, however, is neither sound fiscally nor is it necessarily a direct reward. It is poorly planned, it costs a great deal of money and sometimes the deserving people are not necessarily rewarded by this kind of thinking, and at the risk of incurring the enmity of my friends of the American Legion and VFW and veterans' organizations of this type, I don't really feel that it is attendant upon the taxpayers of Maine to add what indirectly is a veterans benefit in this kind of way and a rather poorly administered veterans' benefit.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Anytime that the legislature acts in contradiction of the desires of the Board of Trustees, you are heading for trouble. Trustees are charged with the maintenance of the stability and solvency of this fund and to take any legislative action in direct opposition to the Board of Trustees, I think is foolish.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I am glad to see that Mr. Quinn is so interested in money being spent here. A few minutes ago, he wasn't too interested in the taxpayers spending almost \$3 million on something that wasn't even figured out and based upon but this House still passed it. The other thing is that when you talk about money, it is the best way to kill a bill in this legislature. I have seen it come here now for three years, you put a fiscal note on it and say that it is going to cost the people money and it is killed and yet those same people will turn around and want millions of dollars for their own little private projects. That is what we do in this House. We kill the good bills that will benefit a lot of people but our little pet projects, we take and pass those because it means something to us.

This bill doesn't mean a thing to me personally, it doesn't mean a thing to anyone in the City of Westbrook because I don't think we have any.

I usually don't agree with Mr. Henderson up here, but today I do, when he said that this is not pins and stripes and sergeants and staff-sergeants and the high much-a-mucks that we have in the military, this is the people who retired from the military and are taking state jobs. They are not high priced jobs in the first place, they are just jobs to take home a weeks pay like we all do and to benefit their retirement in later years.

Basically, this is a good bill, there is nothing wrong with this bill, so it is going to cost a few dollars. How many pieces of legislation do we pass up here that doesn't cost money? I would like to have just one bill up here that doesn't

cost anything. Everyday we sit here and we spend thousands of dollars and some days we spend millions of dollars, but we do it. The argument that it is going to cost money and the argument that we are worried about the fund, I am not worried about the fund.

I didn't know at that hearing that the trustees opposed this. Maybe they did, but I didn't happen to hear it, I could have been asleep at the time, but I didn't hear anyone oppose this bill. I think it is a good bill and it deserves your consideration. It deserves your consideration just as much as spending \$3 million for an art gallery down in Gorham or wherever they are going to put it.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I must have come on a little stronger in opposition than I thought. Let me amend my remarks to some extent.

I would have no objections to the principle of this bill if it were carefully tailored and if it were designed to benefit the draftee or the Vietnam-type or the short military service type or the person who has put in some military service at considerable disadvantage or difficulty to himself, but it does not specify in that way and it does not exclude those who don't need it.

I draw more money than I am worth every month from the government. I am not going to refuse it, but I really don't feel that laws should be passed to entitle me to get more from the University of Maine by virtue of a reward for something for which I am already being over-rewarded.

I agree with the thrust of what Mr. Laffin has to say and I would support and vote for a bill of this type if it were carefully tailored to catch only those people who had been put at a disadvantage by military service, not those who are amply rewarded.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I think the goals that the good gentleman wants to achieve are really in this bill and in fact do tend not to reward the highly retired, shall we say, military people for several reasons. Number one, if you are getting a fine pension from the U.S.A., you probably are not going to be coming back to the State of Maine service to work at the kind of salary that we might be paying. You are already going to be doing other things like running for the legislature and doing other kinds of public service. Number two, the individual that Representative Clark mentioned who came before the hearing was over 60 years old at the time, and the point was made that if he were to retire, he even questioned how long he would be drawing benefits from the system. It would be the kind of person who is a career military person and who stays in maybe beyond the 20 years to achieve higher rank that is going to number one, retire from the military at a high rate of pay and, number two, be quite late in life when he comes to return to the state service and is not likely to be putting a big burden on the retirement system, at least not on the average. We are talking about the younger person, the person who has spent a few years in the military and is now back working for the State of Maine and the kind of retirement that person has got is not going to be pulling down a lot of dough.

Finally, as you must remember, this does not allow a military person to buy all 20 years or whatever of their service, only four years. It is limited to four years' service.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: First, I would like to correct one thing my friend Mr. Henderson

from Bangor said in reference to the five years necessary for vested rights, that the veterans were at a disadvantage when they worked for the state because they had to get an additional five years than other people. This is not correct. The vested right is at ten years, whether it is a veteran or any other individual, they're all ten years. The five years more is what the veteran has to work for the state before he can buy the four years of service time. That is where the fifteen years comes in.

It was said that the young veteran would be the one that would be affected and not the older ones. The young veterans don't need this deduction in the time they work for the state. Certainly if they start working for the state when they are 25 years of age, they don't have to worry about working only 15 years before they can buy their service time back. They are young enough to put in that amount of time.

The reason for the gentleman that was at our hearing, as Mr. Henderson of Bangor said, he has been working for the state only a short period of time and he is 60 years old at this time. If we pass this bill, he would still have to work three more years. If we don't pass it, he will have to work eight more years. That is the problem. And it is those older people it could possibly hurt, but in most cases, these people are already collecting a pension from the United States Army or services, and I don't believe that it is right for them to be able to purchase four more years and have the state have to pay that much more money to them for working in the state for only ten years. I still move for "Ought not to Pass."

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that the Majority "Ought Not to Pass" Report be accepted on L. D. 806. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carey, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Cote, Cunningham, Curran, Devoe, Dexter, Diamond, Drinkwater, Dudley, Durgin, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kany, LaPlante, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Peltier, Perkins, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Truman, Valentine, Whittemore, Wilfong.

NAY — Ault, Austin, Berube, Blodgett, Carrier, Carroll, Connolly, Cox, Davies, Dow, Dutremble, Gillis, Henderson, Hickey, Kelleher, Laffin, McKean, Nelson, N.; Prescott, Strout, Stubbs, Tarbell, Tozier, Twitchell, Wood, Wyman.

ABSENT — Berry, Brennerman, Bustin, Connors, Gauthier, Gould, Jacques, Kane, Kerry, Kilcoyne, LeBlanc, Littlefield, Mackel, Nelson, M.; Pearson, Tyndale.

Yes, 108; No, 26; Absent, 16.

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

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act to Provide Retirement Credit to Charles J. Boetsch" (H. P. 1222) (L. D. 1449)

Report was signed by the following members:

Messrs. COLLINS of Knox  
LOVELL of York  
O'LEARY of Oxford

— of the Senate.

Mr. THERIAULT of Rumford  
Ms. CLARK of Freeport

Messrs. HICKEY of Augusta  
BUNKER of Gouldsboro  
MacEACHERN of Lincoln  
LOUGEE of Island Falls  
NELSON of Roque Bluffs  
AUSTIN of Bingham

— of the House.

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

Report was signed by the following member:  
Mr. LAFFIN of Westbrook

— of the House.

Reports were read.

Mr. Theriault of Rumford moved that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I ask for a division. I know what my chances are of changing this one-sided report today, probably just about the same as when I opposed the good lady from South Portland, Mrs. Gill, Friday. Mr. Boetsch was a game warden in the State of Maine 32-plus years. He's 61 years old and he, along with two other individuals, because of the date that they were forced to retire, which is just a very few weeks, if he had been able to work a few weeks longer, he, with the other two individuals, would have received a 6 percent increase in their retirement benefits. This bill is to rectify that situation for this one individual who is requesting this. I hope that you will vote against the pending motion.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: This is a special benefit requested for this gentleman. This bill should also have had a fiscal note on it. In his case, the amount is known and it would have been \$6,029.

I am not going to take too much of your time on this, but I want you to understand that what Mr. Boetsch is asking here is not the 6 percent that was given to all retirees last June, the cost of living increase, this is not what is in question here. The added benefit that he wants is the part which the retirement system now has that if a person works beyond the years that he is eligible for retirement, that he will get two percent more for his retirement pay. In this case, actually, Mr. Boetsch didn't work the three years, which would have given him the 6 percent. He worked less than that. In fact, he wouldn't get quite 5 percent if he got all of that amount that he would like to get.

At the present time, Mr. Boetsch gets \$634.58 a month for retirement. Please, I hope you vote for the "Ought not to Pass."

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair if I could to the gentleman from Hope, Mr. Sprowl. Mr.

Boetsch, I believe, was a coastal warden, not an inland fish and game warden. I think the good gentleman made a comment that Mr. Boetsch was forced to retire last year. I am not familiar that there is a mandatory retirement age for coastal wardens. I believe they can retire at age 60, but I do not believe that is mandatory. Perhaps the gentleman or some member of the Veterans and Retirement Committee could clarify that for me.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to make a statement that wasn't right, so I guess I would refer to the committee to answer that if they would. It was my understanding that he was forced to retire.

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

Mr. THERIAULT: Mr. Speaker, Members of the House: In answer to the question, yes, the mandatory retirement age is 60.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I just want to respond to Mr. Theriault. He mentioned that this would have a cost figure of \$6,000. I think he is basing that on the three individuals and probably basing it on the average life of those individuals. I am not sure what Mr. Boetsch receives now for retirement benefits, but if it were \$6,000 a year, 6 percent of that would be \$360 a year. I think that this \$6,000 that he is referring to may be exorbitant.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: While I don't propose to be the expert, as my good friend from Rumford is, the Chairman of the Veterans and Retirement Committee, I am the one on that committee that writes the fastest, that is why I have the figures. I would share with you that the fiscal note as shared with you by Representative Theriault is \$6,029 for the lifetime expectancy of Mr. Boetsch, based on his current age and life expectancy. This is from the actuary.

Mr. Boetsch did retire and was a coastal warden because he had reached the mandatory retirement age of 60. The question before us is, should the state legislature make an exception? Should we amend the current statutes to allow state employees reaching the mandatory retirement age to stay on the job until it is more opportune for them to retire financially? That is the question that the Committee on Veterans and Retirement had to ask themselves. The response is reflected in the majority "ought not to pass" Report.

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

A vote of the House was taken.

86 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-279) on Bill "An Act Providing for Student and Faculty Members of the Board of Trustees of the University of Maine" (H. P. 1114) (L. D. 1332)

Report was signed by the following members:

Messrs. USHER of Cumberland

PIERCE of Kennebec

— of the Senate.

Mrs. MITCHELL of Vassalboro  
 Mrs. BEAULIEU of Portland  
 Messrs. PLOURDE of Fort Kent  
 CONNOLLY of Portland  
 WYMAN of Pittsfield

— 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. KATZ of Kennebec

— of the Senate.

Messrs. BIRT of East Millinocket  
 FENLASON of Danforth  
 LYNCH of Livermore Falls  
 BAGLEY of Winthrop

Mrs. LEWIS of Auburn

— of the House.

Reports were read.

Mr. Lynch of Livermore Falls moved that the Minority "Ought Not to Pass" Report be accepted.

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

Mrs. BEAULIEU: Mr. Speaker, I move we reject the "Ought Not to Pass" report and I wish to speak briefly.

I signed this bill out "Ought to Pass" because I feel strongly that recipients of the decisions made by the board of trustees need to have a voice. I find the approach in the L. D. that is before you, and I ask you to look carefully at the amendment, is a logical, desirable and a long overdue means of establishing cooperation and better understanding between those who make the decisions and those who have to live with them.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think if we pursue that line of reasoning, then the board ought to be expanded to have a member of the legislature. Because we are concerned with the actions of the board of trustees of the University of Maine, maybe we ought to have a member sitting on the board too.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This bill will not break down the University of Maine, it won't break down the system, it will improve upon it. It might please some of you to know it won't even cost money.

I hope that you don't associate this piece of legislation with the bill that was before us last week. The only proponent of that bill was its sponsor. My bill did not have any opponents; I finally pulled what I call a Brennerman.

The committee amended this bill to take care of the conflict of interest. Last week, when a group of freshmen had coffee and donuts with the Executive on the second floor, he commented on the board of trustees and there was no prompting. He stated that the board needed input, expertise, and it needed it apart from the chancellor to insure that there would be an unfiltered flow of information. He believed that the trustees needed to study and to discuss each issue thoroughly, and that it needed to collect all of its available information before decisions were made. This is precisely why we submitted this legislation. There needs to be more communication between the University of Maine Board of Trustees, the legislature, and the Maine public.

There have been too many occasions when the debate around an issue has been dull. I suggest that that is because the decisions have already been made. The inability for a student, faculty member, classified employee, Maine citizen to speak out proves to me that we should do everything in our power to promote discussion of all of the relevant pieces of information before that ultimate decision is made. We must

realize that these groups need to be involved at the outset. Instead, the board is continually asking for support as a response action to all of those decisions.

But the real reason for this bill is to break down the isolation of the chancellor's office. Our students, our very young people, control our future. They should be allowed to speak on the issues which affect their academic and social lives, issues like the disciplinary codes, construction of the new facilities, development of new degree programs, but most important, the setting of their tuition.

When I stand here today and I look around this House, I can recognize some of our most respected legislators who were activists themselves at the University of Maine — Representative Hobbins, Representative Davies, Representative Hughes and our Majority Leader, Representative Tierney.

I would like to apologize, though, for bringing a partisan issue before you. It isn't really partisan, but I couldn't find any Republican activist. Actually, though, I don't think that we do have much to worry about if we involve our young people at our university level. I think that the university would certainly be better served.

I think that also you would agree with me, had you been at the public hearing and had you seen a young high school senior impress that committee with her plea for student representation on the board. I think that you should be reminded that our statutes define the trustees purpose to be that group which maintains and supports our institution of higher education. Their duties are the governing and planning body of the university itself. If we truly want effective administration, efficient planning and, most of all, that internal support for our issues, then I think that we have got to derive the essential support from those who are involved from within. I ask that you reject the minority "Ought Not to Pass" Report so that we can move to accept the "Ought to Pass" Report.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: It is with some reluctance that I rise, because I think the gentledady may have killed her own bill by mentioning the names of the Majority Leader and three others are in part of the support for it.

Parts of this bill, I find, is a good bill and I want to support those. I cannot support the entire bill, however, and I say that after a great deal of thought and the gentledady was kind enough to share with me a copy of the proposed legislation before she put it in.

I guess I must oppose the idea of providing a seat on the board for a faculty member of the university. As some of you may know, ever since the university was formed in 1968, there has been a faculty member on the board of trustees. This has always been a private college faculty member who is therefore out of the complete range of conflicts of interest that he might have if you were a faculty member of the university itself. He is therefore able to bring a faculty perspective to decisions of the board. I would hope that all governors will continue that tradition of having at least one faculty member from some university or college on the board. It is a valuable perspective. But I don't know how you single out a faculty member for a position on the board and not include, for example, the chancellor, who doesn't have a vote on the board, a president, none of whom have votes on the board, classified employees, none of whom have a vote on the board, the professional administrators who would not be represented on the board.

I think you misread the nature of the board of trustees if you think it has to have representation from all the constituent-employee elements of that university in order to be a fair

board. I have reluctantly concluded that I could not support that part of the bill.

The other part of the bill, however, I can support and will support, and that is to provide a seat for a student from the university, a currently enrolled student on the board of trustees. This House passed such a bill the last time and was defeated in the other body, and I hope we continue to maintain that stand on that part of the bill.

There is a very real difference. First of all, the students are not employees of the university, they are, indeed, the major supplier of funds for the university. This legislature provides about half the funds of the university. Other sources provide a big chunk. The students themselves provide about 40 percent of the funds. They have no seat guaranteed them on the university board. We as a legislator in state have 15 out of 15 seats. I think we ought to be willing to add one seat to that board to provide some student representation.

The gentledady, as the sponsor of this bill, said that the Governor in a recent talk to them talked about the need for input to the board, and I certainly am very happy to hear him say that. However, he has had the option in every appointment he has made of appointing a student to the board. Until he became Governor, there was a student on the board — I know because I was him. There has not been since he became governor. I would hope that he would, indeed, recognize the need for that kind of input in one of his appointments, but since he has chosen not to do so, I think it would be fair for the legislature to act in that direction, to provide a seat for a student but not for a faculty member.

I will vote for the Majority "Ought to Pass" Report today, if we can defeat the minority report, and then we will offer an amendment tomorrow at second reading to strike half the bill and leave the other half in.

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

A vote of the House was taken.

Whereupon, Mr. Lynch of Livermore Falls 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 Livermore Falls, Mr. Lynch, that the Minority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Berube, Birt, Boudreau, P.; Brown, K. C.; Burns, Carter, D.; Carter, F.; Cote, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Fenlason, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Hall, Hickey, Hunter, Hutchings, Jalbert, Kelleher, Lewis, Lizotte, Lougee, Lunt, Lynch, Masterman, Masterton, Maxwell, Mills, Morton, Palmer, Peltier, Peterson, Raymond, Rollins, Silsby, Smith, Sprowl, Stover, Strout, Theriault, Torrey, Twitchell, Whittemore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Brown, K. L.; Bunker, Byers, Carey, Carroll, Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Durgin, Dutremble, Elias, Flanagan, Fowle, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jensen.

Joyce, Kany, Laffin, LaPlante, Locke, MacEachern, Mahany, Marshall, Martin, A.; McBrearty, McHenry, McMahon, McPherson, Mitchell, Moody, Nadeau, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Perkins, Plourde, Post, Prescott, Quinn, Rideout, Shute, Spencer, Stubbs, Talbot, Tarbell, Tarr, Teague, Tierney, Tozier, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Brenerman, Bustin, Carrier, Churchill, Conners, Immonen, Jacques, Kane, Kerry, Kilcoyne, LeBlanc, Littlefield, Mackel, McKean, Najarian, Tyndale.

Yes, 54; No, 81; Absent, 16.

The SPEAKER: Fifty-four having voted in the affirmative and eighty-one in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-279) was read by the Clerk.

On motion of Mr. Hughes of Auburn, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Establish a Citizens' Service Center" (H. P. 597) (L. D. 723).

Report was signed by the following members:

Messrs. COLLINS of Aroostook

MARTIN of Aroostook

Mrs. SNOWE of Androscoggin

— of the Senate.

Messrs. VALENTINE of York

SILSBY of Ellsworth

Mrs. BACHRACH of Brunswick

Mr. CURRAN of South Portland

Mrs. MASTERTON of Cape Elizabeth

Messrs. STUBBS of Hallowell

CHURCHILL of Orland

DIAMOND of Windham

Mrs. LOCKE of Sebec

— of the House.

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

Report was signed by the following member:

Mrs. KANY of Waterville

— of the House.

Reports were read.

(On motion of Mr. Curran of South Portland, tabled pending acceptance of either Report and tomorrow assigned.)

#### Consent Calendar

##### First Day

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

(H. P. 503) (L. D. 622) Bill "An Act Concerning Gubernatorial Appointments to the Board of Commissioners of the Profession of Pharmacy" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-281)

(H. P. 903) (L. D. 1103) Bill "An Act to Correct the Used Car Information Law" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 313) (L. D. 404) Bill "An Act Relating to Processing Certificates of Authority, Annual Statement Fees and Continuation of Broker and Adjuster's Licenses under the Insurance Law" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 401) (L. D. 511) Bill "An Act Relating to Acquisition of Interest in Financial Institutions" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 189) (L. D. 251) Bill "An Act to Establish an Annual Procedure for Updating Open Water and Ice Fishing Regulations" —

Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 98) (L. D. 122) Bill "An Act to Clarify Vocational Education Reimbursement in Vocational Centers and Vocational Regions" (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-277)

(H. P. 1145) (L. D. 1374) Bill "An Act to Require that Androscoggin County Commissioners Live within the District from which they are Elected" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 829) (L. D. 1002) Bill "An Act to Provide that Hancock County Commissioners Shall be Elected by Districts" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 794) (L. D. 906) Bill "An Act to Appropriate Money for Revolutionary War Veterans Grave Markers" — Committee on Veterans and Retirement reporting "Ought to Pass"

(H. P. 962) (L. D. 1159) Bill "An Act to Repeal Certain Laws Relating to Occupations and Professions" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-280)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 10, 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. 463) (L. D. 568) Bill "An Act to Repeal the Designation of Emergency Interim Successors to Legislators" (C. "A" H-274)

(H. P. 1113) (L. D. 1372) Bill "An Act to Dissolve Vocational Region 9 and to Establish a Vocational Center to Serve Northern Oxford County" (Emergency) (C. "A" H-273)

(H. P. 1027) (L. D. 1276) Bill "An Act Relating to the Establishment of a Revolving Account for Local Educational Assessment" (Emergency) (C. "A" H-272)

(H. P. 1484) (L. D. 1701) Bill "An Act Relating to the Payment to Provide for Waste Disposal at Mt. Ararat High School" (Emergency)

(H. P. 1112) (L. D. 1365) Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds or Notes by Region 5 Vocational Region" (Emergency)

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.

(S. P. 311) (L. D. 1031) Bill "An Act to Provide Certified Interpreter Service for the Hearing Impaired" (C. "A" S-113)

On the objection of Mr. Talbot of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-113) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

(S. P. 139) (L. D. 380) Bill "An Act Relating to the Examiner and Director, Economics and Finance of the Public Utilities Commission" (C. "A" S-114)

(S. P. 338) (L. D. 1123) Bill "An Act Appropriating Funds to Provide Services to Older Blind Persons to Assist them in Remaining in their own Homes and in Caring for Themselves"

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

#### Second Reader

##### Tabled and Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1977 (Emergency) (H. P. 1531) (L. D. 1757)

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

(On motion of Mr. Henderson of Bangor, tabled pending passage to be engrossed and specially assigned for Wednesday, May 11).

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Authorize the Towns of Litchfield, Sabattus and Wales to form a new School Supervisory Union" (Emergency) (H. P. 611) (L. D. 748)

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

(On motion of Mr. Moody of Richmond, tabled pending passage to be engrossed and specially assigned for Wednesday, May 11.)

#### Passed to Be Engrossed

Bill "An Act to Increase Retirement Benefits for Teachers who Taught Prior to July 1, 1942" (H. P. 1530) (L. D. 1756)

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

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

Mr. LYNCH: Mr. Speaker, I would like to have a roll call on the engrossment of this bill and I would like to make a brief statement for the record.

Ladies and gentlemen of the House: Many of the states in the country are becoming increasingly occupied or preoccupied with the fiscal stability of teacher and other state employee retirement systems that are often inadequately funded to meet future liabilities. Benefits have been increasing at a rate considerably greater than contributory funding and the pressure is on state decisionmakers to revise the fiscal features of these retirement systems to avoid future fiscal crises. State decisionmakers also are beginning to reassess the relationship of their retirement system to the federal social security system to deal with the possible federal takeover or wholesale regulation of state, local, public employee systems, and I think we ought to keep all of this in mind.

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

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

The SPEAKER: The pending question is on passage to be engrossed. All those in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Blodgett, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Byers, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Hutchings, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, LaPlante, Lewis, Lizotte, Locke, Lougee, Lunt, MacEachern, Mahany, Martin, A.; Masterman, Masterton, McBrearty, McKean, McPherson, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer.

Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

**NAYS** — Berry, Biron, Birt, Boudreau, A.; Burns, Carter, D.; Devoe, Dexter, Dudley, Fenlason, Garsoe, Gauthier, Huber, Hunter, Immonen, Jackson, Lynch, Marshall, McHenry, McMahan, Morton, Nelson, M.; Raymond, Rideout, Theriault.

**NAYS** — Brennerman, Bustin, Carey, Conners, Cote, Jacques, Kane, Kerry, Kilcoyne, Littlefield, Mackel, Maxwell, Tarbell, Tyndale.

Yes, 111; No, 25; Absent, 15.

The **SPEAKER**: One hundred eleven having voted in the affirmative and twenty-five in the negative, with fifteen being absent, the motion does prevail.

Sent up for concurrence.

**Second Reader  
Tabled and Assigned**

Bill "An Act Concerning the Retirement Law Relating to Certain Employees of the Department of Mental Health and Corrections" (H. P. 1019) (L. D. 1073)

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

(On motion of Mr. Theriault of Rumford, tabled pending passage to be engrossed and tomorrow assigned.)

**Second Reader  
Tabled and Assigned**

Bill "An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools" (H. P. 1025) (L. D. 1273) (C. "A" H-275)

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

(On motion of Mr. Connolly of Portland, tabled pending passage to be engrossed as amended and tomorrow assigned.)

**Amended Bill**

Bill "An Act to Repeal the Ban on Otter or Beam Trawls in Washington County Territorial Waters (H. P. 626) (L. D. 767) (H. "A" H-278 to C. "A" H-224)

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

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

Mrs. **POST**: Mr. Speaker, Men and Women of the House: I simply have an emergency preamble to put on this bill since we have all agreed we would like to have it become effective as soon as possible.

On motion of Mrs. Post of Owl's Head, the House reconsidered its action whereby Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

House Amendment "B" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" and House Amendment "B" thereto was adopted.

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

**Finally Passed**

**Constitutional Amendment**

**RESOLUTION**, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections (H. P. 1449) (L. D. 1675)

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

Mr. Kelleher of Bangor requested a roll call vote.

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

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

The **SPEAKER**: The pending question is on final passage. This being a Constitutional Amendment, it requires a two-thirds vote of the members present and voting. All those in favor of this Resolution being finally passed will vote yes; those opposed will vote no.

**ROLL CALL**

**YEAS** — Ault, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. C.; Carrier, Carroll, Carter, F.; Chonko, Churchill, Conners, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowle, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Immonen, Jensen, Joyce, Kany, Luffin, LaPlante, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Marshall, Martin, A.; Masterman, McBreairty, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Moody, Morton, Nelson, M.; Nelson, N.; Palmer, Peltier, Perkins, Peterson, Plourde, Raymond, Silsby, Smith, Spencer, Sprowl, Stover, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

**NAYS** — Aloupis, Austin, Bachrach, Biron, Brown, K. L.; Bunker, Burns, Byers, Carter, D.; Clark, Connolly, Goodwin, K.; Greenlaw, Hunter, Hutchings, Jackson, Jalbert, Kelleher, Lewis, Masterton, Nadeau, Najarian, Norris, Peakes, Pearson, Post, Prescott, Quinn, Rollins, Shute, Strout, Stubbs, Talbot.

**ABSENT** — Brennerman, Bustin, Carey, Cote, Jacques, Kane, Kerry, Kilcoyne, LeBlanc, Littlefield, Mackel, Mahany, Maxwell, Rideout, Tarbell, Tyndale.

Yes, 102; No, 33; Absent, 16.

The **SPEAKER**: One hundred two having voted in the affirmative and thirty-three in the negative, with sixteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

**Passed to Be Enacted  
Emergency Measure**

An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979 (H. P. 266) (L. D. 334) (C. "A" H-133, H. "A" H-215)

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. 127 voted in favor of same and none 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 an Increase in Retiree and Survivor Benefits (H. P. 667) (L. D. 808) (C. "A" H-220)

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

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

Mr. **GARSOE**: Mr. Speaker, Ladies and Gentlemen of the House: Just a brief pause in the day's occupation. I would like to call your attention to L.D. 808. You may recall, at the

time of the implementation of the Hay Report, we also passed legislation translating those monies into an average increase for retirees. At that time, it was computed at 6.4 percent. This L.D. is necessary because following the action of the temporary appeals board, it was found that it should be 7.7 percent. This does not take into consideration the transitional allowance and the appeals period bonus. If these monies were computed into the same money scheme, we would find that state employees, overall, have benefitted to something well over 9½ percent.

I am only mentioning this in light of the abuse that the last legislature took and that perhaps some of us are still enjoying, that nothing had been done through the Hay Report for the benefit of state employees.

I hasten to add that these increases were in an uneven fashion, some positions being red-lined and others increased, and I just thought it might be noted in passing that the impact of the so-called Hay Report is over 9½ increase in state employee compensation.

The **SPEAKER**: 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 as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken. 130 having voted in the affirmative and none having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Finally Passed  
Emergency Measure**

**RESOLVE**, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1977 (H. P. 1504) (L. D. 1722)

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. 132 voted in favor of same and none against and accordingly the Resolve was finally passed signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act to Permit the Inhabitants of Cranberry Isles to Withdraw from the Maine State Retirement System (H. P. 62) (L. D. 83) (C. "A" H-222)

An Act Prohibiting the Sale of Certain Aerosol Sprays after January 1, 1979 (H. P. 290) (L. D. 371) (H. "A" H-226) to C. "A" H-211)

An Act to Redefine the Boundary Line between the City of Brewer and the Towns of Orrington and Holden (H. P. 770) (L. D. 977) (S. "A" S-115)

An Act Concerning Ski Lift Services (H. P. 958) (L. D. 1150)

An Act to Authorize Sentencing Courts to Specify Places of Confinement of Persons Convicted of Crimes and to Remove Age Restrictions on Sentencing to the Maine Correctional Center (H. P. 1082) (L. D. 1306)

An Act to Repeal Certain Laws Relating to Public Safety (H. P. 1121) (L. D. 1339) (C. "A" H-218)

An Act to Authorize the District Court to Order Psychiatric Evaluation in Criminal Cases (H. P. 1143) (L. D. 1367)

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.

(Off Record Remarks)

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