

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

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

KJ PRINTING  
AUGUSTA, MAINE

## HOUSE

Friday, May 13, 1977

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

Prayer by Father James Martel of St. Theresa's Catholic Church, Mexico.

The journal of yesterday was read and approved.

## Papers from the Senate

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

May 12, 1977

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

Dear Clerk Pert:

The Senate today Adhered to its action whereby it failed to Finally Pass Resolution, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections (H. P. 1449) (L. D. 1675).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

May 12, 1977

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

Dear Clerk Pert:

The Senate today Adhered to its action whereby it Failed to Enact Bill, "An Act Relating to Political Fundraising by State Employees" (H. P. 453) (L. D. 558).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

## Later Today Assigned

The following Joint Order: (S. P. 489)

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Resolve, Directing the Bureau of Taxation to Provide Credits for the Commuter's Income Tax Imposed by New Hampshire for the Period January 1, 1975 to March 19, 1975. (H. P. 1482) (L. D. 1698).

Came from the Senate read and passed.

In the House, the Order was read.

On motion of Mr. Goodwin of South Berwick, tabled pending passage in concurrence and later today assigned.

## Reports of Committees

## Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Equalize the Property Tax on Watercraft" (S. P. 421) (L. D. 1462)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Concerning Excise Tax on Boats and Motors" (S. P. 463) (L. D. 1637)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Relating to Sales of Vending Machines Required by the Returnable Container Law" (S. P. 291) (L. D. 917)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Prohibiting Financial Institutions from Mak-

ing Mortgage Loans Subject to Payment on Demand" (S. P. 401) (L. D. 1384)

Came from the Senate with the Reports read and accepted.

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

Divided Report  
Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Limit Attorney's Fees under the Maine Tort Claims Act" (S. P. 268) (L. D. 826)

Report was signed by the following members:  
Messrs. MANGAN of Androscoggin  
CURTIS of Penobscot  
COLLINS of Knox

— of the Senate.

Messrs. TARBELL of Bangor  
SPENCER of Standish  
DEVOE of Orono  
HOBBINS of Saco

Mrs. BYERS of Newcastle  
Messrs. BENNETT of Caribou  
HENDERSON of Bangor  
HUGHES of Auburn  
NORRIS of Brewer

— of the House.

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

Report was signed by the following member:  
Mr. GAUTHIER of Sanford

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.  
(On motion of Mr. Gauthier of Sanford, tabled pending acceptance of either Report and specially assigned for Monday, May 16.)

## Non-Concurrent Matter

Bill "An Act to Remove the Manufacturer's Excise Tax on Tires from the Sales Tax" (H. P. 339) (L. D. 430) on which the House insisted on its former action whereby the Majority "Ought to Pass" Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-209) and House Amendment "A" (H-230) on May 11, 1977.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought Not to Pass" Report of the Committee on Taxation was read and accepted and asking for a Committee of Conference.

In the House: On motion of Mrs. Martin of Brunswick, the House voted to insist and join in a Committee of Conference.

## Non-Concurrent Matter

## Tabled and Assigned

Bill "An Act Relating to Public Compensation to the Victims of Crime" (H. P. 707) (L. D. 841) on which the Majority "Ought to Pass" in New Draft (H. P. 1535) (L. D. 1760) Report of the Committee on Judiciary was read and accepted and the Bill passed to be engrossed in the House on May 10, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Carter of Winslow, tabled pending further consideration and specially assigned for Tuesday, May 17.)

## Petitions, Bills and Resolves

## Requiring Reference

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

## Business Legislation

RESOLVE, Permitting Marcel A. Paquet of Winslow to Practice as a Public Accountant (H. P. 1559) (Presented by Mr. Carter of Winslow) (Approved for introduction by a Majority of the

Legislative Council pursuant to Joint Rule 25) (Ordered Printed)  
Sent up for concurrence.

## Taxation

RESOLVE, Authorizing the Attorney General to Undertake Proceedings on Behalf of Resident Taxpayers of this State to Recover Certain Taxes Paid to the State of New Hampshire (Emergency) (H. P. 1560) (Presented by Mr. Carey of Waterville) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25) (Ordered Printed)  
Sent up for concurrence.

## Orders

A Joint Resolution (H. P. 1558) in memory of Stephen R. Buzzell, former Mayor of Old Town (Presented by Mr. Gould of Old Town) (Cosponsors: Mr. Pearson of Old Town, Mr. Lunt of Presque Isle)

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

## House Reports of Committees

## Ought Not to Pass

Mr. Nelson from the Committee on Marine Resources on Bill "An Act Closing Certain Clamming Areas to Wormers or Worm Diggers" (H. P. 945) (L. D. 1140) 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. Greenlaw from the Committee on Marine Resources on Bill "An Act to Increase the Amount Allocated to Research and Development from the Maine Coastal Protection Fund" (H. P. 880) (L. D. 1071) reporting "Leave to Withdraw"

Mr. Fowle from the Committee on Marine Resources on Bill "An Act to Aid the Maine Seafood Industry" (H. P. 1280) (L. D. 1505) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Marine Resources on Bill "An Act to Prohibit Purse Seining for Menhaden, that is, Pogies, in the Penobscot River" (H. P. 1150) (L. D. 1357) reporting "Leave to Withdraw"

Mr. Fowle from the Committee on Marine Resources on Bill "An Act Concerning the Availability of Results of Tests on Polluted Shellfish" (H. P. 997) (L. D. 1238) reporting "Leave to Withdraw"

Mr. Maxwell from the Committee on Taxation on Bill "An Act to Lower the Uniform Property Rate to 6 Mills" (Emergency) (H. P. 887) (L. D. 1096) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

## Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act Providing Funds for a Fishway at the Frankfort Dam in Frankfort" (H. P. 1153) (L. D. 1371)

Report was signed by the following members:

Messrs. CHAPMAN of Sagadahoc  
LEVINE of Kennebec

— of the Senate.

Messrs. GREENLAW of Stonington  
NELSON of Roque Bluffs

Mrs. POST of Owls Head

Messrs. JACKSON of Yarmouth  
CONNERS of Franklin  
FOWLIE of Rockland

— of the House.

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

Report was signed by the following members:

Mr. HEWES of Cumberland — of the Senate.  
Messrs. MILLS of Eastport  
BUNKER of Gouldsboro  
BLODGETT of Waldoboro — of the House.

Reports were read.

Mrs. Post of Owls Head moved that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: As has been said many times in this House this year, this is my bill, a very good bill.

To briefly outline what the bill does, it would supply a small of funds, \$16,000 to be exact, to the Marine Resources Department to build a fishway in Frankfort on the Marsh Stream to allow alewives to migrate upstream and spawn, and of course the alewives are primarily used for lobster bait.

With the fishway, the alewife production would increase at least double and probably triple, so it does have a very good merit, I believe, and I think most of the people in my area believe the same thing.

The primary use of the alewife is, as I said before, for lobster bait. Some of them are smoked, some of them are fileted and in that case are used for human consumption.

Over the past several years, there has been a very severe shortage of lobster bait in my area, in the Penobscot Bay, and this bill would help to alleviate the problems the lobstermen have had in obtaining lobster bait.

At the public hearing on this bill, there were several proponents, including the Department of Marine Resources, which supported the bill, so I am a little surprised today at the committee report, unless this did not quite meet the cost benefit by the department ratio on the priorities of fishways. The department, at the present time, has six fishways under consideration; three of those fishways have been funded and three of them have not. This is one of those that has not been funded.

I would just remind the members of the House that fishways are similar to a bridge over a stream and should be considered on that merit. If the Highway Department, in making their determination of the cost benefit ratio of bridges in the state, applied the same cost benefit ratios to fishways, we wouldn't have any bridges in the rural areas of the state because the most number of people, naturally, are in the urban areas and they would have all the bridges in the state. Therefore, there would be no use for bridges in the rural areas. But this bill should be considered, I think, in that same light.

The lobster fishermen in the Penobscot Bay area do need lobster bait, and I would ask for your support of this bill today. We have approximately 400 lobstermen in that area, so if these people want to work, I think you should at least allow them that privilege.

In closing, I would simple ask you to oppose the "ought not to pass" report and heed the words of the gentlelady from Owls Head on a bill yesterday that we had before this body, that was on L. D. 653, An Act to Provide Exemptions of the Sales Tax on Farm Machinery, which would cost \$3 million, and her words on that bill were, on the question from the Representative from Waterville, Mr. Carey, on the cost, "Mr. Speaker, Ladies and Gentlemen, we ought to at least let this bill pass and put it on the Appropriations Table and let it take its chances there."

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: As you notice on the

report, the majority were for an "ought not to pass." I think we base this on two factors. First of all, in talking to the department, they are certainly interested in putting in fishways whenever they can. It benefits the towns, it benefits the state, but they have a list of priorities and we asked them what their priorities were and where this stood on the list. They had to admit that it was well down on their list, that there were other fishways that needed to be built in other small towns that were far higher on their list of priorities than this was. We then asked the department if the town involved in this had made any consideration of putting up some of the money themselves or if they were coming strictly to the state for the money? The town had not offered to put up any of its money, it was coming just strictly to the state for money.

We could pass this bill through and put it on the Appropriations Table. I can see additional costs to the people of Maine by doing that. I cannot see any great hope of it being funded for these reasons; therefore, I hope very much that you will support the Majority Report of the committee.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This particular location I have viewed many times in my camping career and having stopped there and got alewives when they were running.

I view this as a very serious matter that costs a little bit of money. It is a natural resource that if we let go by we could well say a few years from now, it is too bad they didn't make that small expenditure and fix this fishway, because when these fish fail to get upstream to lay their eggs, we don't feel the effect of it this year, we probably won't feel it next year, but the time is very near when we will feel the effect of it and the fishermen will. I think it is money well spent and at least should have a chance to go to the Appropriations Table. There are other bills there on the Appropriations Table that don't have the qualifications that this one has for passage, and it probably won't pass, but it will at least show the people in this area that the House considered their needs and were willing to do something about it if we had the money.

I hate to see our natural resources go to waste because we pinched pennies here and someday say we are sorry we didn't do something about it. We won't be if we live in northern Penobscot or Kennebunk or someplace, but the state as a whole needs the commodity and I hope that this small expenditure at least reaches the Appropriation Table.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: It is about 12 years ago that I had one of these same type of bills for Perry, Maine on the Boyden Lake Stream. We put a fishway in up there for the purpose of getting an alewife run going in that stream. At that time, it cost \$38,000 of state money, plus federal money of an equal amount, and I can report to you today that I considered and the town considered that this would take the place of any industry or act as a small industry in that town, because they had no taxable structure or commercial enterprise. That fishway is in operation out there in Perry, Maine, and last year, their take on the alewives they sold to the Merle Corporation in Eastport was \$7,500, which was the town's share. I consider this a pretty good return where you don't have any structure that is going to be checked with the fire department or anything else, it is water, concrete and steel and is making a return of \$7,500. That was my reason for signing this Bill out "ought to pass."

There is also another one over in Pembroke, there is one up in Meddybemps that I got in. They are making a return there where they have tax problems that were quite serious and are now being alleviated by the money they are earning on selling the alewives. They are handling this through their highway department people, so it is no extra cost to the town to maintain.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I actually wasn't planning on speaking on this until I got quoted from yesterday's speech and then thought I ought to make the point of what the difference was, at least the way I saw them, on these two particular bills.

I think what we were talking about yesterday was a bill that would generally help all the population of the State of Maine, or at least all the farmers in the state, and with the plight that I think we are in now with our family farms, that kind of benefit would be for the whole state.

However, what we are dealing with in this type of bill, we are asking for a state appropriation to put a fishway in a dam. In order for those alewives then to be caught, what the state does is give the right to catch those alewives to a town, in this case Frankfort. The benefit of the dam would accrue to the town of Frankfort. They lease it out. Usually most of the towns go out for a bid process. Somebody gets the rights to collect the alewives in that particular town. The town may manage it or the people who take the bids may manage it, then the money goes into the town treasury.

My feeling, since this particular project was sixth on the list of six that were prepared by the Department of Marine Resources, three are being funded this year, there are two that are of higher priority on that particular list, meaning they would produce more fish for the investment that would have to be made, but with six on the list. If the town felt strong enough that it wanted to move this particular project up in the priorities of the Department of Marine Resources was carrying out at this time, then it should be willing to put some of the money into it or it should be willing to pay for it.

I think there is nobody in this House that is any more concerned about the lack of lobster bait and the crisis that we are apt to be facing this year than I am. However, there are no guarantees that any alewives taken out of any stream are going to be used for lobster bait. In fact, in this particular case, it was indicated to us that Stinson Canning Company was a group that was most interested in having the alewives to smoke. I think although there is a great concern for the lobster bait situation, alewives make good lobster bait, there is no kind of guarantee that any alewives taken out of any stream will be used for that particular case. While I realize the importance of this bill to Representative Shute and to his particular area, if I were here I would fight for it just as much as he will and has, I felt as though as chairman of the committee I wanted to explain exactly what the process we had gone through was and why I reported it out "Ought Not to Pass."

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady from Owls Head, Mrs. Post, indicated the Stinson Canning Factory was quite interested in this bill. I think she knows better than that; I think the whole committee knows better than that. I merely mentioned that at the committee hearing because the Department of Marine Resources told me that only minutes before the hearing, that the Stinson Canning Factory was thinking about fileting alewives and shipping them overseas. Stinson Canning Factory is 100

miles from this fishway, so I doubt that they would be doing that.

There has been indication that this type of legislation is new to the state legislature. I would like to tell you a few fishways that have been funded over the past few years. In 1976, a fishway was funded in the East Machias River, department funds. In 1974, Gouldsboro, through a legislative bill; 1972, Perry, Maine through a legislative bill; in 1971, Bradley, Maine through department funds; in 1974 Lincolnville, Maine through department funds; in 1971, Bristol, Maine through town and department funds; 1970, Phippsburg, through department and town funds; 1974, Yarmouth, town and department funds; 1969, department funds, Sullivan, Maine. So this is no real departure from the usual practice on passing legislation on fishways.

I might add that the town officials that attended the hearing offered to negotiate with the committee at the hearing but the committee did not want to negotiate at that time and of course the town officials were not in any position to negotiate anyway. But I do think this is a good bill and I would urge passage.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I make two brief points. In the case of Yarmouth, the Royal River is a far larger estuary area than the river considered in this. Also, the town of Yarmouth put up almost \$10,000 of the cost of the fishway. As far as the question on negotiating, I think the negotiating should be carried out between the town and the Marine Resources Department, that the legislative committee shouldn't be negotiating on the share of the town in this and they had opportunity to do this.

I would just point out again that this was not a priority item on the department's list. There are far more productive areas that would be opened up by fishways and the money should be spent on them before the less productive areas.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: Although I was one of the majority signers of "Ought Not to Pass" at a previous hearing, there was quite a lot of information given out on aluminum fish ladders. These aluminum fish ladders are used extensively by the State of Alaska and worked out very nicely, and they are about one tenth of the cost.

I think with the small amount of funds involved in this, I think that if somebody would table this for two days, I think we could work on this and come up with something that would be in agreement with the Department of Marine Resources and the town and the sponsor of the bill.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I can assure the good gentleman from Franklin that listening to this debate and having been edified as to the degree of the size of the Royal River and alewives and lobster bait, I feel ready to vote on this bill now. If this bill were to receive favorable action today, I am sure we would be able to amend this bill tomorrow. I certainly hope we would keep things moving along.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I would agree with the Majority Floor Leader and I would ask for a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 Owls Head, Mrs. Post, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Benoit, Brenerman, Chonko, Clark, Curran, Davies, Fowlie, Gauthier, Goodwin, K.; Greenlaw, Hughes, Jackson, Kane, Locke, McHenry, Nelson, N.; Post, Raymond, Stover.

NAY — Austin, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Conners, Connolly, Cote, Cox, Cunningham, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Goodwin, H.; Gould, Gray, Hall, Henderson, Hickey, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Littlefield, Lougee, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masteron, Masterton, Maxwell, McBrearty, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Norris, Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Prescott, Quinn, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Strout, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Ault, Devoe, Elias, Gillis, Green, Howe, Huber, Jacques, LeBlanc, Lewis, Lizotte, Lunt, Moody, Peltier, Sprowl, Stubbs, Talbot, Tarbell, Torrey, Trafton, Tyndale.

Yes, 20; No, 109; Absent, 21.

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

Thereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Prohibit the Assessment of Extra Charges Based on the Number of Occupants Living in a Mobile Home" (H. P. 1318) (L. D. 1549)

Report was signed by the following members:

Messrs. HEWES of Cumberland  
CARPENTER of Arrostook  
Mrs. CUMMINGS of Penobscot  
— of the Senate.

Messrs. GOULD of Old Town  
BURNS of Anson  
COTE of Lewiston  
SHUTE of Stockton Springs  
JOYCE of Portland  
CARRIER of Westbrook  
DUDLEY of Enfield  
Mrs. DURGIN of Kittery

— of the House.

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

Report was signed by the following members:

Messrs. BIRON of Lewiston  
MOODY of Richmond  
— of the House.

Reports were read.

Mr. Cote of Lewiston moved that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the

gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to vote for this motion so that we may accept the Minority "Ought to Pass" Report. The legislation that you have before you is a bill which will prohibit those who own mobile home parks from charging a family more money. For an example, if you have three kids in your family, they can charge you more than the person who rents the mobile home in the same park and only has two kids or the family that is only an elderly couple. The person that has more than two kids would have to pay extra to reside in that mobile home. I am sure all of you realize, and all of our constituents face the same problem.

A lot of us come from an area where we have apartments. You will find that many apartment owners today are saying that if you have four or five kids, we don't want you. So these people are putting all their savings together and buying a mobile home and finding themselves being discriminated upon. When they go to this mobile home park they say to them, okay, you've got so many kids but the guy next door is going to pay "X" amount of dollars a month but you're going to pay extra. I think that is wrong and that it is discriminatory against those people who want to have a large family.

The arguments that were given about this is that many of these mobile home parks have private sewer systems and that if there are several people living in a trailer, they use more of the facility. I say to you, the person that lives alone in the trailer doesn't pay less but they are basing it on a family of four. If you have five or six kids, you pay more but if you live alone you won't pay less. That is what is discriminatory about this law, the law that we presently have on the books. I am saying to you right now that we can change this and allow those people who want to live in a mobile home pay the same rate as anyone else. That is all this bill is doing, it is to protect those people who have more than two or three kids so they can pay the same rate. I urge you to defeat this motion so we may accept the "Ought to Pass" Report.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this particular L. D. It originally came from the gentleman, Mr. Gibbs, and I agreed to sponsor this piece of legislation after he departed this body. I think it is a worthwhile piece of legislation. It perhaps might create a few inconveniences for park owners, but in comparing that to the problems it creates for some families, I think that the House should lean toward the families.

I would like to point out with this particular L. D., it points out specifically that the person owns the trailer, he is not renting the trailer. It is when they have invested \$8,000 to \$12,000 and they move into a trailer park, and there aren't many places you can put a trailer, and there happens to be a little extra consideration here in terms of your employment, where you have got a job and how far away you can afford to live from that job. You move in and you have a child, you have a second child and you start paying \$10 extra a month. By the time you have a family of two or three and you add up the dollars and see that you're paying \$300 or \$400 more a year in a home that you own, then the advantage of living in a trailer for economical housing has disappeared.

I hope that this House would defeat the Majority "Ought Not to Pass" Report so that we can go to the "Ought to Pass."

The SPEAKER: The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Cote, 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.

34 having voted in the affirmative and 54 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-318) on Bill "An Act to Require Fire Detection Systems in All New Residential Construction" (H. P. 1086) (L. D. 1310)

Report was signed by the following members:

Messrs. CARPENTER of Aroostook  
HEWES of Cumberland

— of the Senate.

Mr. GOULD of Old Town  
Mrs. DURGIN of Kittery  
Messrs. SHUTE of Stockton Springs  
BURNS of Anson  
JOYCE of Portland  
COTE of Lewiston  
CARRIER of Westbrook

— of the House.

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

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot

— of the Senate.

Messrs. MOODY of Richmond  
BIRON of Lewiston  
DUDLEY of Enfield

— of the House.

Reports were read.

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

Mr. COTE: I move that we accept the "Ought to Pass Report" of the Legal Affairs Committee and I would like to speak to my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves that the House accept the Majority "Ought to Pass" Report.

The gentleman may proceed.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to point out to the members of the House that this is the Speaker's bill, so if you want to defeat it, I wish you luck.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: Normally, I am not for any bill that would mandate the citizens of the State of Maine from doing a certain action or spending some of their money. This particular bill, I have made an exception for several reasons. One, we are dealing with new construction of houses or reconstruction of houses if the reconstruction is 25 percent or more of the value of the property. What we are saying is that they must install a smoke alarm that will wake up the occupants. Recently, within the last month, there were two lives lost down in Westbrook that could have been saved had one of these devices been in operation within the building. They were not burned, they were asphyxiated. This is what happens in the majority of the cases. We all remember two years ago when a similar incident occurred at Eagle Lake. Had these devices been in effect at that time, possibly there could have been some more saved.

As I said, this deals with new construction. Under FHA and Farm Loan and other government loan requirements to build a new home, you must include the smoke detector. We have already covered approximately 90 to 95 percent of the new construction in this state. They already are mandated that they must have the

smoke detectors there. We are only imposing, actually, on about 5 and possibly 10 percent of the new home builders, that they must have this new device within their homes. The cost of the device would average somewhere between \$40 and \$60. This is what we are told by the fire inspector would make a very good device.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Again I rise to urge you not to support the present motion you have before you for the following reasons. First of all, let me say that the good gentleman, the Speaker of this House who introduced this bill, I personally feel had good intentions. However, when you look at this legislation, it is mandating to the people of Maine who build new homes and/or remodel their homes that they put in one of these fire alarm systems. I could understand if we were to mandate that these alarm systems be put in public places, hospitals, but when we are talking about the individuals home, I think we are a little bit stepping over the boundaries of individual rights and privileges. This is the problem I have with the bill.

Believe me, I would hate to be the one to stand up here today and speak against a bill like this and find that somewhere in the State of Maine a year from now, six months from now, a house burns and someone dies because they did not have one of these systems. However, we in this House just a few months ago passed a bill which said that you no longer had to wear a helmet on a motorcycle — the same people. The very same principle is right here, the very same thing. Are we going to mandate that these people put these alarm systems in their homes? I don't think we can.

Mr. Burns, the gentleman from Anson, is quite correct when he says that the federal government through FHA has mandated that these systems be put in the homes that they build. I think the person who signs the contract with FHA understands that. But if a person is to invest his own money in his own home, I personally believe that he should have the right, the choice, the privilege to make that decision.

It is hard for me to stand up here today and speak against this bill, but if this House is to be consistent in its actions as to individual rights, I cannot see how you can support legislation like this. It is one of those gut issues that really, you know, you can stand up here today and tell stories of how people have been burned, people have died from smoke and everything else, and I can't disagree with any of those things and I really feel sorry that those things happen, but, yet, we in government cannot legislate this type of bill, it just can't be done, in my opinion, under our present form of government. If we were under socialism, I could understand that we could force anybody to do anything, but this is a little different here. It is an individual's choice, and that is what we are dealing with.

I urge you, reluctantly urge you, not to support the pending motion.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: This is probably, outside of the death penalty bill, one of the best bills that will ever be before this House. Believe me, if I had the chance to debate against a bill that the Speaker of this House put in, and he will put one in someday and I will debate against it hard, but I can't do that today because this is a lovely bill. You know, the most important thing is when you can see what actually happens yourself.

You can pick up a morning paper and you can read where people die in fires and it doesn't mean too much to you, but two weeks ago last Saturday morning, at two o'clock in the morning, we had a terrible fire in the City of

Westbrook. Two of my very close friends died in that fire, a girl that I went to school with and her husband, who I didn't know until 20 years ago. When you see this type of thing happen, a home that was built just two years ago, he built himself, he had raised his children, he put them through school, he was a strict father, he believed in discipline for his children, and I will tell you, when he spoke, his children minded, regardless of how old they were. This man was a postman in the City of Westbrook, and I am going to tell you this case because it is the most recent one. I can go back over 20 years, being in the fire department, and I could tell you some horror stories.

I disagree with the gentleman from Lewiston when he states that it is the people's right to protect their homes, and I disagree with him 100 percent because the man and the wife may not feel that there is anything wrong, but what about the children's lives? The sound of a gong from these detectors, and they only cost about \$40. I have a beautiful home, and after that fire, I am having two put in my home, and I live alone. That detector that night would have saved two peoples lives. It is hard to conceive that they weren't burned, they died from asphyxiation, they died from smoke and the gases, they were asleep. As we all know with fires, a fireman can go into a building and crawl along on the floor and he can survive, but the minute he stands up, he knows he can't survive because the gases rise and when the room gets full it goes lower and lower. So when it hit the bed, those people died — it was a tragic death, a needless death, a death that this state does not condone, we don't even want it.

This is a good bill. I would like to read the last part of this bill. "Home fire detection systems should significantly reduce the number of deaths caused by nighttime fires and should also greatly lower fire damage in residential property." That is the bill; that is what the bill is all about. You can throw all the rest of that lawyer stuff out and it doesn't mean a thing, but that is what this bill is all about.

I feel that for the young people — I have been in homes where there have been fires, fire traps and apartment buildings, Lord, I don't know how those kids ever got out, I really don't. If it takes this legislature to demand and put on the statutes that the parents are going to protect children of this state, then it is our job to do just that. We have an obligation.

They say "people's rights." When you get down to it, how many rights do you have? Go out here and shoot someone and see how much right you have. The state will take care of you. You might get eight years, you might get 11, but it won't be any more than that, but how many rights do we actually have?

This bill here is protection for the young people. We have many families in our lower sections of Westbrook, which I represent, they are congested areas, they call them other names, but today I will call them congested areas where these apartment buildings are dangerous fire traps. To be sure, this law doesn't cover them, but any future buildings to be built, they will be covered. When people die in new homes, think what could happen to you in your own home, sleeping on the first floor, and this is what this fire was, they were sleeping on the first floor, the bedroom window was just as close as this window here and they still couldn't get out. The reason was, they weren't warned in time. Had they been warned in time by the fire protection devices that we are talking about today, there would only have been a small amount of damage. As it is now, two people died and the home was ruined.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: We are not mandating anything here that is not being done in the other

trades. We mandate an electrical code, how we should electrify our houses. We also have the plumbing code, how plumbing should be put into our houses for safety reasons, so we are not mandating anything here over and above what has already been mandated in other trades.

Mr. Speaker, when the vote is taken, I ask for a roll call.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Since the good gentleman from Westbrook has called this one of the best bills during the session, Mr. Speaker, I can't let you get away — I am the sponsor of the bill, the Speaker is the cosponsor.

Glancing at the calendar, I notice it is Friday the 13th and I hope we are going to disprove that again. On the last item, I was indeed fortunate with this House and I hope that you will go along with this report.

I have but one regret. The gentleman that Mr. Laffin was speaking about, he and I used to work part time in a pizza parlor. My regret is that I didn't have this bill in when I was a freshman last term when Winn was building his home so that perhaps he might still be with us.

My interest here goes back a number of years, back to when I was about 15 years old and the family up the street had a serious fire in their home and again it was smoke. We stood there with four children on the second floor screaming in the window and we couldn't get to them in time and we lost five.

Yes, it is a mandation, it is trying to cover the other 10 percent of the houses constructed, but there is something even more important here, and that importance is what law does in term of attitude. Perhaps it may foster in other people a realization that they can't afford not to have this type of protection. There is a financial incentive here too, ladies and gentlemen, and maybe some of you who have smoke detectors in your homes can get ahold of this. Those of you who have smoke detectors or installed smoke detectors get a 2 percent discount on your insurance, at least 2 percent, and you can get as high as a 10 percent discount if you have these installed and it goes to a central fire station hookup. So in constructing a \$30,000 home, you are talking about an additional \$40 expense, and if you take the 2 percent, in a number of years you are going to recoup the money you have spent.

The gentleman from Lewiston, Mr. Biron, talked about the House a few months ago repealing the helmet law, and I see a vast difference here. Children asleep at night don't have the choice, and there is where the difference lies. I hope this House will go along and accept that Majority "Ought to Pass" Report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't support the motion before the House. As a matter of fact, I don't rise reluctantly and I don't care whose bill it is.

Some things have been said here that are not so in my opinion, first of all that these devices cost \$40. I was interested enough to look around and the very cheapest ones I could find were \$60. They run from \$60 to \$150, if you get one like should be put in a new home. They don't need just one of them in a home. If there is any size to the home, they need several of them to be protected. It would be false protection if you put one of those in your home and you thought you were protected, because that would be even worse, falsely protected. You need several of them to be properly protected.

A home, what constitutes a home, in the area where I come from it may be a pretty small structure that doesn't have electricity, and we lose a lot of people in this type of home, but certainly if we can't find better than just a roof over their head and they are lucky to keep it

from leaking, they certainly can't find money for this type of device.

This is not the reason I stand before you; basically the reason I stand before you is because this bill is against my philosophy, making anybody do anything, making you put seatbelts in your car, making you wear fluorescent yellow, any of these bills that come before this House that makes a person do these things, I don't care what they are, I think it is wrong and that is not the part that government should be playing in our lives today. They have played for so long that we no longer have a free country, and I hear this every day from my constituents. They have to move to Canada to have freedom now from a lot of things.

I want to tell you that I don't rise reluctantly. I think they are a good device. People that can afford them should have them, and as I have already told you, if you hire money, it already says that you must put them in, but a lot of these people can't hire money, they are building their houses step by step, they don't have the sheetrock inside, they don't have plumbing. In the country where I come from, they are lucky if they get the house built and hope that later they will get a cellar built under it, and later they will get sheetrock on it and maybe someday have electricity so they don't have to use lamps any more, but they do it step by step and they try to have a home and raise a family and live in decency without us telling them that they have got to have this and they have got to have that. That is the reason some of them don't have electricity, because we have got so many regulations on it that they can't afford to have an electric lightbulb lit because there are so many regulations in groundrods and what have you that it makes that out of their reach.

This is the other side of the coin. Number one, this is not a \$40 device and you are not protected by \$40. It would be false protection if you bought one of these to put in your bedroom and you went downstairs on the couch, went to sleep smoking a cigarette, which is where most of the accidents occur, so first of all, you would need more than one of these devices, unless you just had a one-room camp and you might get by with one. If it was run by electricity and you didn't have electricity, you would have to have it run by batteries, and I suspect there are other devices, but if it is a battery run thing, the batteries run dead and you might think you had one that was working and come to find out, when you had a fire the battery was dead.

There are lots of aspects, but the main one that concerns me is making people do something. I think people are intelligent today and I think there is a lot of advertisement, even on TV, about these devices, and certainly people want them and will buy them when they can, but to say that a man has got to buy one of these — in my line of business, they say you have to have a seatbelt and the poor devil doesn't have a tire on his car but he has to have a seatbelt and he is running around with the tires worn out trying to get to work.

These are mandated things, and I think the public should have their own priorities and buy what they can afford to buy when they need it, and I am certain that most of them would say they needed one of these, and I don't think it is a bad device, I just don't like the idea of mandating anything.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: When I stand on the floor of this House and tell something, it is factual or I don't say it. I will be glad to get Mr. Dudley all the fire protection that he wants on these alarms for \$40 apiece. I bought two and they cost me \$80. If he doubts that, I will even bring the bill up and read it before the members of this House. It is \$40 apiece. I bought two of

them, and I would not lie to this House, if I had to lie, I wouldn't say anything.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: A couple of statements have been made here which concerned me in reference to this bill. First of all, the good gentleman from Portland, Mr. Curran, alluded to the discount that was available. Obviously the discount is available; it is available to anybody right now. The bill doesn't have to pass in order to get the discount. Don't think the only way you are going to get a discount is to pass this type of legislation. Anyone who puts one of these in their home, the discount is available.

The next thing is that the \$40 device—I would care less if the device cost \$10. Let's say the device does cost \$40. Those devices, the majority of them, are run by batteries. Mr. Dudley from Enfield alluded to that. Are we going to mandate as well that once a year an inspector come in and check that the batteries are working? How many of you in your own homes — let's just think about it, you have got pieces of equipment there that you put up on the wall, it may be a doorbell. All right, when you first build the house, they have got little batteries in the doorbell. How many doorbells work in this house? You would be surprised; there are not that many, because after awhile we just kind of forget they are there and they are nice, but we just kind of forget them.

I understand what Mr. Laffin is saying, I understand what the cosponsor is saying, I understand what the sponsor is saying, but are we going to mandate something that is really, truthfully going to solve the problem? I think those people who have serious concerns about the fire hazards and the fire dangers in their homes will put one of these in their homes, and I applaud these people. But those who don't want to put them in, for whatever reason, not being able to afford it or whatever reason it is, I think they should have that right. That is what we are talking about here today, the individuals rights. If we pass this legislation and we want it to be effective, because I don't think Mr. Curran of Portland would have sponsored the bill if he didn't want it to be effective, he would also have to mandate that the batteries be checked once a year or the bill isn't going to be effective. We will have these things on the ceiling with batteries that don't work. After a year, the majority of these devices, the battery no longer works. Are we going to have the people of Maine who build new homes or remodel their homes put up these devices, spend \$60 and think that because it is state law they are now protected? No, I don't think so.

If we are really concerned, let's run some sort of public relations program and urge people to put these things up, everyone, not just the people in new homes, why discriminate that way? Let's really spend some time. We as legislators could talk to our people and show the importance. Let's do it the right way, the positive way, help everyone. Let's not discriminate against the small group, and that is exactly what this legislation is doing.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: This type of legislation isn't new to this House or to the Legislature, because a few months ago, last session and the session before that, that I can remember, we passed legislation to make public buildings accessible to the handicapped, polling places accessible to the handicapped, so this type of legislation isn't new.

As I read the statement of fact, it says "Systems should significantly reduce the number of deaths caused by nighttime fires." That concerns me very much, because I work at night and I have been working at night for

some time. It just so happens that the place where I work is right beside the firebarn, and everytime the firebarn lights up and the sirens start humming, I get very, very worried, because I remember going to a fire not too many years ago where they took four young children out on a stretcher and they walked right by me and the bodies were still smouldering. That bothers me.

What I think this legislation does is exactly what the statement of fact says, but what it also does, it allows some of us to rest easier who happen to have to work at night. If I know that somewhere in my house I have a little bit more protection while I am not there, then I am going to feel better.

I agree with the gentleman from Westbrook who states that this is an important piece of legislation. I won't concede that it is the most important piece of legislation, because I have got a couple pieces coming down the pike, but certainly it is an important piece of legislation. Anytime this legislature and especially this House can do anything that is going to save a life and it is not going to cost us, then I think we have no other choice but to do it and we should do it because at least that is what we're here for.

I support this piece of legislation. It might become a hardship on one aspect of the building trade, but if there is anything we can do that is going to save lives, then I think we should do it. I support this piece of legislation and I certainly hope that you would support the Majority "Ought to Pass" Report.

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

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

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

#### ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carrier, Carroll, Chonko, Clark, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gill, Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbs, Howe, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kerry, Laffin, Littlefield, Lizotte, Locke, Lougee, Lynch, Mackel, Mahany, Martin, A.; Masterman, Maxwell, McBrearty, McHenry, Mills, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Perkins, Peterson, Plourde, Prescott, Shute, Silsby, Stover, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Trafton, Truman, Twitchell, Valentine, Whittemore, Wood, Wyman, The Speaker.

NAY — Ault, Austin, Berry, Berube, Biron, Birt, Byers, Carter, F.; Churchill, Conners, Connolly, Dudley, Garsoe, Gray, Huber, Hughes, Hunter, Hutchings, Jacques, Kilcoyne, MacEachern, Marshall, Masterton, McKean, Mitchell, Moody, Peakes, Post, Quinn, Raymond, Rideout, Rollins, Smith, Spencer, Strout, Tozier, Wilfong.

ABSENT — Carey, Carter, D.; Devoe, Durgin, Gauthier, Gillis, Goodwin, H.; Immonen, Kelleher, LaPlante, LeBlanc, Lewis, Lunt, McMahon, McPherson, Norris, Peltier, Sprowl, Tarbell, Torrey, Tyndale.

Yes, 93; No, 37; Absent, 21.

The SPEAKER: Ninety-three having voted in the affirmative and thirty-seven in the negative, with twenty-one being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-318) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Establish Dog Racing in the State of Maine" (H. P. 1275) (L. D. 1506)

Report was signed by the following members:

Mr. HEWES of Cumberland  
Mrs. CUMMINGS of Penobscot  
Mr. CARPENTER of Aroostook  
— of the Senate.

Messrs. JOYCE of Portland  
SHUTE of Stockton Springs  
COTE of Lewiston  
MOODY of Richmond  
BURNS of Anson  
GOULD of Old Town  
CARRIER of Westbrook  
DUDLEY of Enfield

Mrs. DURGIN of Kittery  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-319) on same Bill.

Report was signed by the following member:

Mr. BIRON of Lewiston  
— of the House.

Reports were read.

Mr. Cote of Lewiston moved that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: First of all, let me apologize for having to stand again on another divided report. However, this legislation that you have before you, I think, is one of the few pieces of legislation that you will see this year which has a possibility of bringing in additional revenues to the State of Maine without putting the burden on the individual taxpayer. Many of you have legislation this year that you find very important. Some of us have presented bills which will give tax exemptions to groups. Some of us have presented bills which will cost the state some money, all in the best interest of the people of Maine. I think that we should do those things, but we also should consider legislation that comes before us that could bring additional revenues to the state without putting an additional tax burden on the individuals.

This bill, if it passes, will simply make it legal for a community to hold a referendum on the question of having a dog track in this community. There was some opposition to this bill. Many of you maybe have been what we call lobbied on this bill. The people that are in opposition to the bill, there is one group of people and there is only one group to my knowledge, that is the Harness Racing Association. Obviously, the Harness Racing Association would be opposed to this bill. If any of you have done studies on harness racing in the years gone by, you will find that that type of activity, that type of gambling in the State of Maine is on a slow decline. They fear dog racing. If we, in Maine, are to legislate or make it legal for harness racing, I cannot see how we would make it illegal for dog racing. We, as legislators, are not here in the State of Maine to benefit the special interest group. That is exactly what this legislation is trying to prohibit. It is very very similar to having a restaurant on route one which serves lousy food and coming to the state legislature and saying, do not allow another restaurant to be built next door that serves better food. That is exactly what the Harness Rac-

ing Associations doing, exactly. Your constituents, the people who go to the horse tracks right now in the State of Maine, would much prefer to go to the dog tracks without question. Statistics have proven that. The revenue to the State of Maine last year was \$800,000 from the Harness Racing. Our sister state, New Hampshire, has one dog track, just one. The revenue was in excess of \$8,000,000. You will hear arguments to the fact that they get people from New Hampshire, they get people from Massachusetts, they get some people from Maine. I agree with that. I don't deny that. Yet, here in Maine, we also get people from various states who come into our state in the summer months and why not? I say to you, why not allow a dog track in the State of Maine? All this does is permissive legislation. We are not forcing anyone. If anyone wants to come into our state and invest \$5,000,000, \$10,000,000, \$20,000,000 and build a substantial track, should we say no because we want to serve the best interest of the Harness Racing Association? I don't think so. I think we are here in this House to serve the best interest of the people of Maine. The best interest of the people of Maine, those who gamble, those who go to the tracks, is to provide them. The law of supply and demand has to come into play here. Why is it that the people don't go to these tracks any more? I think if you are familiar with it, I think you know why. I don't have to say it here today why they don't go to the harness racing tracks. Yet, they will go to the dog tracks. They will travel hundreds of miles to go to New Hampshire. If we are going to allow parimutuel betting in this state, we cannot discriminate and say we are only going to do it to our horse friends. That is all we are doing. They lobby here in the hall, and many of you have been talked to. They say if this thing passes, it is going to hurt your communities. That is a crock. It is not going to hurt your communities because somebody, someplace is going to benefit. When the people invest into this dog track which is going to cost in excess of \$200,000,000 maybe, a substantial track, somebody is going to benefit and it is going to be we, the people of Maine. Are we here to legislate for the Harness Racing Association? No, I don't think so. I think the time has come to allow a dog track here in the State of Maine. Therefore, the people of Maine benefit from the monies that come in, therefore, reducing the local property tax burden that we impose upon our citizens. That is what this is all about. That is what it is all about. We all sit here and we all say, let's vote for every spending bill, we are going to support those because they are going to benefit people. But when it comes time to find the money, nobody wants to raise taxes. All these good bills that each and every one of you have fought for find themselves on the Appropriations Table and die. If that is what you want to happen to your bills, you have got that choice here today. This is one of the few bills that will bring in additional revenue. I am not going to say \$8,000,000.

There are some people in this House who have argued with me about the fact that the Maine State Lottery is not a good lottery. It is only bringing in \$2,000,000. Well I say to those people, it is \$2,000,000 less that we have to take out of the pockets of the homeowner in this state. It is \$2,000,000 less. If you would prefer to take it out of their pockets, good luck.

Here is another chance for us. People are doing it. People are going to New Hampshire. Why should we be hypocritical here in this state to say that it doesn't happen and give that money to New Hampshire? That is what you would be doing if you defeat this bill. That is what you would be doing. That is why I urge you not to support the motion before you and I ask for the yeas and nays.

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



Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: We all know what has happened to our sister state to the south or west, and let's not have the State of Maine go to the dogs. We should kill this bill.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I guess I would have to get up and defend my bill here. I put the bill in basically for two reasons. First, the potential source of revenue and I am not going to say it is going to bring in \$10,000,000 or \$2,000,000 or whatever.

I agree with those people who argue that the State of Maine just has so many betting dollars around and if you take it and bet it on dogs, you are not going to bet it on horses or you are not going to bet it on the lottery. I agree with that. I put the bill in because I think that potentially, we could make some money out of this and I put the bill in because I know, for a fact, that dog racing is very popular. I talked to some people in my district who just simply asked me one day why we couldn't have dog racing in Maine, why they have to go to Seabrook and I said I don't know, but I will put a bill in and see what happens. I don't have any illusions to think that this bill is going to pass. I understand Maine has traditionally been a harness racing state and this bill would do nothing for harness racing, that is for sure.

At Seabrook last year, the State of New Hampshire received about \$8.6 million dollars from that one track alone. I do agree that some of those people that bet there come from Massachusetts where there is more population than there is here. Basically though, I think that if a private businessman wants to spend \$2,000,000 or whatever to put in a dog track and the citizens of a town say yes, we want a dog track, I just don't understand why the state would say no, we don't want you to have a dog track. Basically I don't think people say you wouldn't make that much money, there is not enough people around to bet and I would think that would be up to the private businessman that is going to put his money in. If I had \$2,000,000 to invest, I probably wouldn't want to invest it in something I thought I would lose money in so I think that would be his own decision. I understand the opposition of the harness racing people. I like horses as much as dogs, I bet on both. I just think that the state shouldn't say to someone, you can't build a dog track because we don't want a dog track.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: Kind of an interesting piece of legislation we have before us today. As I read down through it and perhaps I have missed something in the bill itself, but I am concerned about section 175 of the bill. Before I vote on it, I would like an answer to this question and perhaps a couple of other questions that other people might have. That is, that it says rules and regulations. It states that the commission shall make rules and regulations for the holding, conducting and operating of all dog races and for the operation of racetracks on which any such dog race meet is held. It goes on to explain the powers of the commission, the duties of the commission. Perhaps I have missed something, scanning through this bill. If I have, I would like to stand corrected on it. My question is, is there any provision in this piece of legislation which would allow local communities to opt for it themselves and just exactly where are these races to be held, what type of tracks and so on and so forth.

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 Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: In Section 178 of the bill, local option says "no license shall be issued by the commission for holding a dog race in any city or town until the city or town in an annual or special meeting called for the purpose has by majority vote of those voting on the question approved the issuance of that license in that city or town. Only one such vote shall be required and the annual renewals of licenses previously issued need not be resubmitted for referendum."

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

Mr. BURNS: I am a signer of the "Ought Not to Pass". There are several reasons why. One, I didn't believe that the bill was fully explained or justified in front of the committee. The sponsor was there and one breeder of dogs that happened to be living in the state was the only two proponents for the bill. When the breeder was asked if there were any other interests in the state, he indicated he thought there was another breeder in the state.

Before I could vote for this, there are a couple of things that would have to be answered. Do we want to proliferate the gambling in this state? Is this what the people want? Just what, in fact, would we have on the harness racing? I am not singling out harness racing itself because harness racing people have brought a new industry into this state or revised an industry. That is the horse clubs, the various units, the population of horses in this state has multiplied considerably in the last decade.

Also, another reason why I did not vote for this bill, there was nobody that came forward that was interested in starting a dog track. This piece of legislation received a fair amount of publicity but nobody had picked up on it or nobody seemed particularly interested in coming up with the money in order to build the track. I did vote "Ought Not to Pass," but if we could get answers to the questions that I have in this area, I might change my mind.

Looking over the report in the American Greyhound Track Operator's Association report for 1976, there are some amazing figures in here if they are, in fact, correct. A look at one state, the State of Arkansas, which only has one dog track that ran only 112 days. They realized a revenue of almost \$6,000,000 which, computed out means there was \$51,000 for each track day going into the state coffers. That was one of the largest ones. There are currently 12 states in the 50 states that allow dog racing. Four of those are in New England. Massachusetts, New Hampshire, Vermont and Connecticut. The question would also have to be answered as to whether or not if we did have dog racing here in the State of Maine, would we just be siphoning off the money from them or could we create some new monies? These are all questions that have come to mind and came to mind to some of the other members of the Legal Affairs Committee. It is our feeling, at this time, we may request for a possible study to be conducted in this area. If we can get these four or five questions answered, maybe the study would come out with another bill.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: If I may, I will attempt to answer some of the questions of the good gentleman from Anson, Mr. Burns. In answer to his first question as to if we are to bring in more gambling to the State of Maine. I say to him that the legislation that will be coming before this body in just maybe a week or so will give you the opportunity to find out. It has a referendum question. In answer to his second question as to why there was no one other than the sponsor of the bill and a breeder at the committee hearing in favor of the bill, I would like

to just point out there was only group against the bill as well. There wasn't a herd of people. The only people there that were against the bill were the Harness Racing Association. Two to one is still better than it looks.

The real reason why you have not found a group of individuals, a corporation seriously interested in putting in a substantial amount of money in the State of Maine is that the people on the outside firmly believe that the State of Maine Legislature would never pass this kind of legislation because of the lobbying that goes on here. I disagree with them. I think we are all responsible enough to take acts, to make decisions, important decisions. This is not going away from any stands that this legislative body has taken in the past. We have legalized harness racing and to legalize dog racing would simply be continuing doing the things that the people of Maine have accepted. We are not doing anything different; we are just giving them an opportunity to gamble, if I may use the word, on dogs, that is all. Believe me, if we pass this legislation, we are going to have a dog track in the State of Maine and it won't take too long. But why should anybody come into the State of Maine and invest twenty or thirty thousand dollars, maybe five thousand, or maybe a thousand dollars on a lobby out here full well knowing that those people representing the harness racing association have got everybody in the corner saying that this is going to hurt us. We as legislators, unfortunately — I am sure there hasn't been a hue and cry from any of your legislative districts saying that this is a terrible bill, we don't want dog racing. I challenge any of you to stand up and show me a letter from any of your constituents saying they don't want it, because nobody has got one. Yet, the lobby out here are saying it is a terrible bill, and we believe them, and it is not, it is a good bill.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: Just for the record, I want to make it clear here that I have nothing against the Harness Racing Association or the so-called lobby out there. I think horse racing in this state has been a tradition, and I think that due to the popularity of dog racing, it is just a question of when we break with that tradition and allow dogs. Maybe it is not this year or next year, but I think it is inevitable, and I just want to make it clear that I have no problems with the harness racing people or the so-called lobby.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to this debate with interest, because I think I would have gotten the same reasons if I had introduced the jai alai bill. I think the harness people would have been against that one.

In answer to the gentleman from Lewiston, Mr. Biron, I think why they only had the harness people against them is that there was no specific town or city for the dog races to go to, because I am sure that if I hadn't dropped that jai alai bill, I would have had half the town of Kittery there to oppose me.

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

Mr. BIRON: Mr. Speaker, in response to the statement just made by the good gentleman from Sanford, Mr. Nadeau, obviously this legislation is permissive legislation and it does call for a local referendum before any track can be put in the area. Therefore, if the people from Kittery, Sanford, or any place else don't want it, they won't have it, but if the people from Lewiston want it, why not? It is going to bring revenue to the state.

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 Lewiston, Mr. Cote, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Austin, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Birt, Blodgett, Boudreau, A.; Brown, K. C.; Burns, Bustin, Byers, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Cote, Cox, Cunningham, Curran, Dexter, Diamond, Drinkwater, Dudley, Durgin, Elias, Fenlason, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Littlefield, Lougee, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McKean, McMahan, McPherson, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Peakes, Pearson, Peterson, Plourde, Post, Raymond, Rollins, Shute, Silsby, Smith, Stover, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Traffon, Truman, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Benoit, Biron, Boudreau, P.; Brenerman, Brown, K. L.; Carey, Connors, Connolly, Dow, Dutremble, Hall, Howe, Jacques, Jensen, Lizotte, Locke, Marshall, McHenry, Nadeau, Nelson, N.; Norris, Prescott, Quinn, Rideout, Twitchell.

ABSENT — Ault, Bunker, Davies, Devoe, Garsoe, Gauthier, Gillis, Hobbins, Kelleher, LeBlanc, Lewis, Lunt, Palmer, Peltier, Perkins, Spencer, Sprowl, Strout, Tarbell, Torrey, Tyndale.

Yes, 104; No, 25; Absent, 21.

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

Sent up for concurrence.

#### Consent Calendar

##### First Day

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

(S. P. 375) (L. D. 1390) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with Brown Company — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-130)

(H. P. 1065) (L. D. 1292) Bill "An Act to Amend and Repeal Certain Laws Relating to Agriculture" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-320)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 16, 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 First Day:

(S. P. 387) (L. D. 1300) RESOLUTION, proposing an Amendment to the Constitution to Repeal Provisions Relating to the Poll Tax and to Payment in Lieu of Military Duty

No objection being noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence.

(H. P. 1005) (L. D. 1209) Bill "An Act to Repeal Certain Laws Relating to State Government Administrative Procedures and Services"

On the objection of Mr. Burns of Anson, was removed from the Consent Calendar.

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

(H. P. 1533) (L. D. 1765) RESOLVE, Designating Weskeag Marsh at Thomaston as the "R. Waldo Tyler Wilderness Area"

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

#### Passed to Be Engrossed

Bill "An Act to Amend the Charter of the Portland Water District" (Emergency) (H. P. 1556) (L. D. 1775)

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

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Encourage Energy Conservation by Means of Reform of Utility Rate Designs" (H. P. 1553) (L. D. 1774)

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

(On motion of Mr. Berry of Buxton, tabled pending passage to be engrossed and specially assigned for Tuesday, May 17.)

Bill "An Act to Exempt from the Sales Tax all Equipment and Supplies used to Diagnose or Treat Diabetes" (H. P. 1207) (L. D. 1435)

Bill "An Act to Establish Chester Greenwood Day" (H. P. 1189) (L. D. 1425)

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

#### Second Reader

##### Tabled and Assigned

Bill "An Act Exempting Farm Machinery from the Personal Property Tax" (H. P. 393) (L. D. 482)

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

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

Mrs. NAJARIAN: Mr. Speaker, I would like to pose a question through the Chair to the Chairman of the Taxation Committee or any member of that committee regarding how much loss of revenue this bill would mean to the municipalities of the state?

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, has posed a question through the Chair to the Chairman of the Taxation Committee.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The question was asked of Mr. Ledew from the Taxation Department, and it is \$1 million. The estimated loss of \$1 million statewide within the municipalities. Interestingly enough, that is the very same figure that they used for boats as well. There is a million dollar loss on boats as well.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I think it is very easy for this legislature to vote property tax exemptions which affect the municipalities and show no loss of revenue to the state. There are many municipalities that are having a tough time now with all property exemptions, and I would move the indefinite postponement of this bill and all accompanying papers.

Whereupon, on motion of Mr. Morton of Farmington, tabled pending the motion of Mrs. Najarian of Portland to indefinitely postpone and specially assigned for Monday, May 16.

#### Amended Bills

Bill "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) (S. P. 106) (L. D. 235) (C. "A" S-128)

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

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

Mr. MORTON: Mr. Speaker, I would like to make the motion that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves that this bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This bill attempts to make a relatively fundamental change in the retirement system that we adopted in the 107th Legislature. Despite what you may have heard in the debate yesterday, I think it is fair and reasonable to say that this matter was very carefully considered last time. It actually was considered in two sessions of the legislature and there was a study committee in between, so it has been very, very completely gone over.

The Lynch Pin of controlling abuses in the retirement system is using the average of the last three years' compensation as a basis for retirement benefits. That is a fundamental point. Last time, there was a great deal of negotiation and the final results were palatable to all, if not accepted with the greatest of ecstasy.

Yesterday, the gentlelady from Portland correctly used the words "potentially violated" when she was speaking previously on negotiated retirement provisions. The word "potential" was very properly chosen because one of the points of the negotiation last time was the timing of this bill, when it would become effective. It was contemplated that any adverse effect could be addressed by future negotiations. That is exactly what we had in mind, and that is exactly what was agreed to.

The high cost of local unit retirement, which ranges in some cases up to very high percentages such as 15 or 25 percent, or even more, of the current base wage is virtually unknown to the taxpayers of many municipalities and it deserves the bright light of open consideration in those municipalities. Philosophically, I believe that all jobs should have adequate compensation right up front and that to use a retirement system to cover for inadequate wages is a copout, and that is exactly what this would hope to do.

Finally, ladies and gentlemen, the state retirement system is just that, for state employees first, the teachers second and for local units third, and their participation in the state retirement system is entirely voluntary. The tail should not be wagging the dog, and local units should accept the existing system. So I urge you to keep the fundamentally sound last three-year provision that is in the present law and allow no foot in the door to change it, because the slightest crack will only be an incentive for others to ask for favorable but, unfortunately, parochial interests.

The gentleman from Augusta, yesterday, acknowledged that prior to our action in the 107th, to correct old abuses, to quote his words, those abuses did exist. This bill would reintroduce one of the potentials for abuse that previously existed. So let's indefinitely postpone it here and now.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope we will not indefinitely postpone this bill, and I am going to state my reasons. I am sure that the members of this House can decide for themselves which is fair and which is for the best interest of the people of Maine.

First of all, if we indefinitely postpone this bill, we are going to do two things. The first thing that we are going to do if we don't pass this bill, it will require that we will lose firefighters and police officers with many years of service and training to the people of Maine. The retirement system, to be sure, is sound and solid. The retirement system, and there are those in this House who will want you to believe we are always hurting the system on pieces of legislation, but let me bring to your attention one thing. The people who work pay into the system too. There are those in this House who will want you to believe that the system is supported solely by the tax dollars, and that is not true. There are those in this House who do not believe in a fair and an equitable retirement system for people who have served 20 years in a very, very hazardous occupation.

If we pass this bill, it will be an incentive to keep qualified police officers and firefighters in the cities and towns in Maine that we so badly need. It costs a lot of money to train a firefighter and a police officer. Who pays for that? I will tell you who pays for that, it is the taxpayers of the State of Maine who pay for their training. A well-qualified firefighter never becomes a good firefighter until after two, three and sometimes even four years of actual hard work within those departments, but once he is, once he has become the individual that we pay him for, he then becomes a professional. Why lose his services before time?

This will give an incentive that on and before December 31, 1975, police officers and firefighters will continue in their employment. Many times I have heard up here in the legislature, we don't want to pay out too much, we don't want to give away too much, because the fund will be in jeopardy. It seems as though every time there is a bill that comes before this legislature that certain members do not agree with, they use that argument. Well, I don't buy that today, I didn't buy it when we had the hearing and I didn't buy it when I first heard it.

I think that we have an obligation to the people of Maine by having good, trained men to stick out and to serve the people of this state. That is why we give them a 2 percent incentive to stay for an extra year's service. We don't just give that to them, they earn it. I am telling you, ladies and gentlemen, you will never know how important a fireman is or a police officer is until you need him. We don't need any in this legislature because we are all ladies and gentlemen, but when we get out in society, when we live in our homes, I don't think there is a minute goes by that you don't want them.

I drew up a little scale the other day, and I missed this first debate and one of the members of the House was surprised that I wasn't here on this Bill, and I think he was kind of happy, but nevertheless, I drew up a little scale. Let's all come back next year in the special session and have one hour per day, per month that we will have no fire protection and no police protection.

First of all, we know that this is a myth because naturally with our insurance rates and the society that we live in, we couldn't. Nevertheless, we are legislators and we could try it. Do you know what would happen to our fire system, do you know what would happen to the lives of the people of this state? I am only talking about one hour — there is a life lost in this country every 31 seconds. We have educated people in this House who can figure that out, exactly how many peoples lives would be lost in

one hour. I am not as educated, so I can't figure that out.

Don't go for the fact that the system is weak, that the fund is in jeopardy. Support these men and their benefits, they are entitled to it. They are not asking for anything, they have earned this. No one will ever know that the life of a fireman is shortened by 10 years because he is a fireman, because of the gases and the smoke.

This bill is only asking for justice and equality and, in my opinion, that is so rightly deserved. I hope the members of this House will not indefinitely postpone this bill.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: In answer to some of these matters of Mr. Laffin of Westbrook, I was the guy that asked him where he was yesterday and I wasn't happy because he wasn't here because I would have liked to have him come up and say, "this here is a good, good bill," because he has been saying that so many times that sometimes I begin to wonder.

We lost a battle yesterday but I am not surrendering yet. The war is not lost. We do have some points to bring up that were not discussed before. I hope also that I can elaborate on some of the matters that were touched on.

I can't emphasize enough that this L. D., with the Committee Amendment attached, does not deal only with districts and it does not deal only with districts and state police. As I told you yesterday, the amendment is not easy to understand, but buried in some of the amendment is the fact that in Section 3 of the amendment in all those numbers and letters, if you were able to find that matter referred to, you would find that forest rangers in the Bureau of Forestry are included, liquor inspectors are included, Maine State Prison wardens are included, deputy wardens and prison guards and employees of the State Prison are included, fish and game wardens are included also, as well as the state police.

Another matter that was not brought out, in the case of state employees involved in this L. D., one of these numbers, 38B in the amendment, would reduce their contribution when they reached eligible retirement time from 7½ percent to 6½ percent as well as permitting them to increase their retirement pay by 2 percent for each year of service from then on. This is not a change, however, only an item that they want to keep in there. This also was part of the trade made when we went from final year to average final compensation, that is two years. Of course, the percentage of contribution decreases would not affect most districts as their contributions are only 5 percent anyway. This is contrary to what was said by the proponents of the measure that these people were paying more than others, they are not. There are some exceptions, however. In fact, one city pays 8 percent, but the districts in most cases can retire after 20 or 25 years of service, some of them at two-thirds of their pay. That means that at age 41 or 46, some of them could continue to work 10 or more years and add another 20 percent or more to their retirement pay. Come on, ladies and gentlemen, don't you really think that is too much? Wouldn't you like to retire with 86½ percent or even 70 percent of your salary and still be young enough to enjoy it?

No retirement plan in the private sector even comes close to these benefits. If you have read the papers lately, surely you have seen where Social Security is in trouble. Do you know why? It is because the Congress of the United States has continued to add benefits to Social Security recipients without making provisions to fully fund these benefits. I don't really think that Social Security is in trouble because the U.S. Congress can do something we can't do in the legislature — that is, appropriate more

funds whenever it is needed for Social Security. Here the legislature is the dangerous element to the retirement system, because you can't increase benefits indiscriminately without funding them. We have to realize that no matter what is said, there will be added costs to the retirement system if this L. D. becomes law. Even if only the districts covered by this L. D. with state employees eliminated, if only the districts involved, it would still be a cost to the system.

I hope you noticed yesterday and again today when it was said that the cities will lose valuable and experienced people who were forced to retire because of the changes that were made in the retirement system during the 107th Legislature — forced to retire in the prime of life, it was said. Then almost in the same breath, we were asked to change the law so that these people could retire when they reached the eligible retirement age — a contradiction right there. You can't have it both ways.

We were told also that these people had to retire at an early age because of hazardous duty and the pressure of their jobs. It was absolutely essential to have young people on these jobs. Still, they say in the 107th we were forcing them to retire. Think about it. These people could be retired after 20 years or 25 years of working, receiving from half to 66% of their pay — yes, indeed, isn't it awful that they have to figure their retirement on their best three years' compensations instead of their final year? Are we the rascals pulling such a dirty trick on them? Why do they want to retire after 20 or 25 years of service? Mostly so they can have another job, thereby depriving some father from getting that particular job to provide for his family and also to give them these doddering old men from 41 to 55 years of age a chance to earn a pension to take care of them in their old age.

What do they contribute, these people we have treated so shabbily? What do they pay for this early retirement with all of these benefits? Most of them contribute 5 percent of their salary. There are some exceptions, and as I said before, one city does pay 8 percent but they get 66% as their retirement pay. One other thing, in this city they have to work until age 55 before they can get the benefits.

I have been accused of not caring but I do care. I care about the elderly, the disabled, the infirm, the children, the poor, but I can't say that I am too concerned about the people covered by this L. D.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Greenlaw assumed the Chair as Speaker pro tem, and Speaker Martin retired from the Hall.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am worried about this idea of forcing people to retire because they have to accept the average for the best three years' pay instead of the last year. Now, if you do a little simple mathematics, we assume that anybody who got a raise of 10 percent per year, if anybody starts at \$6,000, the next year would be \$6,600, the next year would be a little over \$7,200. If they retired that next year, the last year's average, they would be getting \$7,200. If they worked one more year and got another 10 percent raise, the average for the best three years will be the \$7,200 that would be the last pay this year, so all anybody has to do in order to get the average pay the same as the final pay, is to work one more year. So, I don't think we are forcing anybody to retire. Not only

will they get the same base, but they will have one more year upon which it is based, so they will be actually getting 21 times that figure instead of 20 times that figure.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: There is one thing that has not been mentioned and I think it should be brought up. Do you know who the lowest paid municipal workers are in the State of Maine? It is the firefighters and, frankly, I think that they should be reimbursed a reasonable retirement. Failure to do this, and I have seen it in my years as a municipal officer in the City of Hallowell, failure to reimburse them an average, decent wage or decent retirement — where are they, they are coming every week with their hand out for the welfare payment. I would much rather they receive their payments honorably, their retirement check. It is very, very sad when a man who has put a lifetime of work in has to come begging back to the source of his employment for a handout, a welfare check.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment on the last statement. If they are underpaid, that is the problem. If they are concerned in the city government about greater retirement benefits, why don't they compensate them properly now?

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Livermore Falls, Mr. Lynch, has reiterated the arguments of the good gentleman from Farmington, Mr. Morton, which is to say that the retirement system should not compensate for the lack of adequate wages. That is a nice circular argument because of course it does compensate for the lack of adequate wages and the two good gentlemen have great power to cut into the retirement benefits but are absolutely powerless to do anything about adequate wages. I am sure that if they both were sitting on the municipal councils that they would immediately move to increase the wages to these people at the first opportunity, but they can't do that, they are sitting in the Maine Legislature and they only have the power to cut back.

I know that the gentleman from Farmington is going to speak again, so I am going to ask him now, when he does speak again, would he please indicate precisely how this bill reintroduces the potential for abuse? I want to hear that on the record, precisely how this bill, amended by the Committee Amendment "A", reintroduces the potential of abuse? I suggest that it does not. There is no way that you can put in the overtime or the premium pay and have it counted in the final year. The only thing that would be counted is the final year's salary.

So I would suggest that we defeat the motion to indefinitely postpone and then send this bill on down to the other end.

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

Mr. THERIAULT: Mr. Speaker, I would like to ask the last speaker, Mr. Bustin, about the sick leave benefits. Are they not included in this? And also, the vacation pay, which is not too important, because on the sick leave, the sick leave can be accumulated and in some cases accumulated to almost a year. I would be the first to admit that I don't know how this works out, but I believe that in some cases, these people are paid that accumulated sick leave that they do not use, and that is one of the things that would balloon the price up. I could

be wrong on this. All I am asking is an answer to the question.

The SPEAKER pro tem: The gentleman from Rumford, Mr. Theriault, has posed a question through the Chair to the gentleman from Augusta, Mr. Bustin, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BUSTIN: Mr. Speaker, I would answer the gentleman with another question. Is he saying that when you apply benefits that are currently written in the law that you are abusing the retirement system?

The SPEAKER pro tem: The gentleman from Augusta, Mr. Bustin, poses a question through the Chair to the gentleman from Rumford, Mr. Theriault, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. THERIAULT: Mr. Speaker, in answer to Mr. Bustin's question, I am not implying that by any means. All I am asking is if that sick leave — and I don't know that that is written in the law if that is what he is implying — all I am saying is that if that sick leave is accumulated to as much as a year, if that could be paid at once and I understand that it is, that that is part of their last year's pay, is that possible, that is all I am asking, is that possible? As far as the law at the present time, I think the law at the present time permits the state employees to accumulate a month of sick leave that can be applied at the time of their retirement.

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

Mr. MORTON: Mr. Speaker and Members of the House: The gentleman from Augusta is usually right but this afternoon, in my opinion, he was wrong on two counts. I had not intended to stand up again but, of course, he asked a question which I would be very happy to answer. The words I used in the debate were "potential for abuse" and I submit to you that it is much easier to play with one year of a salary but it is mighty hard to play around with three years. It is just as simple as that. You can have some kind of a negotiation or an internal agreement where you say I will put so much in the last year but won't have quite so much in the year before, then that is what I am talking about. I am not saying that it is going to happen. I only used the word "potential" but I would submit to you that the record was very clear.

Before we had the three year rule, the abuses then existing included every conceivable device which would load the last year. That is what took place before and I submit to you that the potential is there to a much greater degree with one year, even on salary alone, than it is on the last three.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that when the vote is taken it be taken by the yeas and nays.

I simply wish to point to all of you that this bill addresses itself to the men who were on the job prior to the changes in the law. I am not opposed to the changes that were made. I am simply saying that the men who were there before should have been grandfathered. This is what it addresses itself to. If there were abuses in the past, I submit that the abuses took place because of a law that allowed it. Those loopholes have been plugged due to the changes in the law. I believe there are honorable men in this profession. They will not be able to overload their last year's compensation.

The question that I ask you to ask yourselves is, if you were one of the men that I am trying to aid, how would you feel if you had been on the job for 18 or 19 years and suddenly find that

your retirement plans had been changed? I ask you to think very carefully as you vote.

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

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

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

Mr. BURNS: Mr. Speaker, I would like to pair my vote with the gentleman from Auburn, Mr. Green. If he were here, he would be voting no and I would be voting yes.

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

#### ROLL CALL

YEA — Austin, Bagley, Berry, Birt, Blodgett, Brown, K. C.; Byers, Carey, Carter, F.; Connors, Cunningham, Dexter, Dudley, Durgin, Fenlason, Garsoe, Hall, Huber, Hunter, Hutchings, Immonen, Jackson, LaPlante, Lizotte, Lougee, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McBairty, McHenry, McMahon, McPherson, Morton, Palmer, Perkins, Peterson, Quinn, Raymond, Rollins, Smith, Stover, Tarr, Teague, Theriault.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berube, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Bustin, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hickey, Higgins, Hobbs, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kerry, Laffin, Littlefield, Locke, MacEachern, Mahany, Martin, A.; McKean, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Plourde, Post, Prescott, Rideout, Shute, Spencer, Strout, Stubbs, Talbot, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman.

ABSENT — Aloupis, Ault, Biron, Bunker, Churchill, Devoe, Dutremble, Gauthier, Gillis, Kany, Kelleher, Kilcoyne, LeBlanc, Lewis, Lunt, Peltier, Silsby, Sprowl, Tarbell, Torrey, Tyndale, Whittemore.

PAIRED — Burns, Green.

Yes, 47; No, 79; Absent, 22; Paired, 2.

The SPEAKER: Forty-seven having voted in the affirmative and seventy-nine in the negative with twenty-two being absent, and two paired, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended in concurrence.

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

Mr. MacEACHERN: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action and hope you all vote against me.

The SPEAKER pro tem: The gentleman from Lincoln, Mr. MacEachern, moves that the House reconsider its action whereby this bill was passed to be engrossed. Those in favor will say yes; those opposed will say no.

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

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair thanks the gentleman from Stonington, Mr. Greenlaw, for acting as Speaker pro tem.

Whereupon, Mr. Greenlaw returned to his seat on the floor and Speaker Martin resumed the Chair.

Bill "An Act Concerning State Retirement Benefits for Police Officers and Firefighters" (Emergency) (H. P. 505) (L. D. 624) (C. "A" H-309)

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

#### Second Reader

##### Later Today Assigned

Bill "An Act Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court" (H. P. 281) (L. D. 375) (C. "A" H-269)

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

(On motion of Mrs. Tarr of Bridgton, tabled pending passage to be engrossed as amended and later today assigned.)

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Permit the Sale of Dessert Wine at Retail Stores" (H. P. 768) (L. D. 1019) (C. "A" H-305)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed as amended and specially assigned for Tuesday, May 17.)

Bill "An Act Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers" (S. P. 213) (L. D. 662) (C. "A" S-125)

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

On motion of Mr. Mahany of Easton, the House reconsidered its action whereby this Bill was passed to be engrossed as amended.

On further motion of the same gentleman, tabled pending passage to be engrossed as amended in concurrence and specially assigned for Monday, May 16.

#### Passed to Be Enacted Emergency Measure

"An Act to Repeal the Ban on Otter or Beam Trawls in a Certain Part of Washington County Territorial Waters" (H. P. 626) (L. D. 767) (H. "A" H-278 and H. "B" H-286 to C. "A" H-224)

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. 117 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 Amend the Charter of the Winter Harbor Utilities District" (H. P. 1191) (L. D. 1439)

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. 114 voted in favor of same and one against and accordingly 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 Cumberland

County for the Year 1977 (H. P. 1528) (L. D. 1754)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and 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 Authorize the Issuance of Free Fishing Permits to Patients in Regular Nursing Homes" (H. P. 694) (L. D. 876) (H. "B" H-260 to C. "A" H-242)

"An Act Concerning Absentee Ballots for Maine Citizens Overseas" (H. P. 924) (L. D. 1423)

"An Act to Clarify Certain Liquor Laws" (H. P. 1190) (L. D. 1450) (C. "A" H-264)

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.

#### Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

HOUSE DIVIDED REPORT — Report "A" (6) "Ought to Pass" in New Draft under New Title: RESOLUTION, Proposing an Amendment to the Constitution to Permit the Highway Fund to be used for Public Transportation Purposes (H. P. 1532) (L. D. 1758) — Report "B" (6) "Ought Not to Pass" — Report "C" (1) "Ought to Pass" — Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Undedicate the Highway Fund (H. P. 536) (L. D. 651)

Tabled — May 11, 1977 by Mr. Tierney of Lisbon Falls.

PENDING — Acceptance of any Report.

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

Mr. CURRAN: Mr. Speaker, I move we accept Report A.

The SPEAKER: The gentleman from South Portland, Mr. Curran, moves that Report A be accepted.

The gentleman may proceed.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I promise that I will be brief. It has been a number of days now of continuous tabling on this particular L.D.

The original L.D. calls for the undedicating of the highway fund. Report A of the committee does not undedicate the fund but it includes as an item that would be fundable public transportation. It was the majority feeling of the committee, six in the "ought not to pass" and six who are supporting this particular report, that the highway fund should not be undedicated at this time. However, six of us did feel that public transportation was going to be something of the future and that perhaps we were going to have some flexibility with the monies located in the highway fund to test pilot some programs, feasibility studies.

As I look down the road into the future, I don't see too many automobiles on it. The energy situation is not going to get better in the near future. I am a firm believer that solar energy is not going to come until someone figures out how to put a meter on the sun.

A lot of people look at public transportation as some sort of welfare program, and I submit to this House that maybe in 10 years we will be recipients of that kind of welfare.

I was surprised to learn the other night that the American family is now spending a greater percentage of their paycheck on transportation, more so than on food in this last year. I think that by including public transportation under this particular funding mechanism, we can start to explore — I don't think that we can wait

for big brother in Washington to start to solve our problems with mass transit here in the State of Maine. We are a very large state geographically, we have got to move people around, and I think this is a very legitimate area for that funding under the highway fund.

As scarcity and price increase, fewer and fewer people in the State of Maine are going to be able to afford to operate their automobiles and more and more are going to depend on public transportation. I really think this House should consider the idea of public transportation being funded under this particular funding mechanism.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against Report A so that we can then go on to the next report. I would suggest that if you vote for Report A, most of the money or a goodly portion of the money would probably go right to the good gentleman from South Portland's town, or that vicinity. It would be spent on airports, improving the transportation in the big cities in the state, and I don't have any objection to improving the transportation in these cities, but we have a problem statewide, and that is just maintaining our existing roads, not building big, new airports, not building big, new transportation systems. Until we find some more money, and don't ask me where that is going to come from, I think that this bill should frankly be killed, and that is exactly what Report B would do.

I don't think we can afford to buy big, new ferry boats to fly back and forth between the islands in Casco Bay, and so forth, which is probably exactly what would be done. I know some of you don't like to hear that, but really, all they are essentially doing now is maintaining what they have. What we would be doing is centralizing the expenditures with Report A in certain areas of the state.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: When the Maine Legislature and the people of Maine amended their State Constitution some 30-odd years ago, they made a public policy decision and embodied it within their basic governing document which directed in very dramatic fashion the future course of transportation in our state.

Public policy in the various states in the federal government was and is much the same as Maine's. Maine and America became a nation of highways and cars and trucks. That public policy decision led us away from other transportation alternatives, primarily at the time, the railroads.

What I am saying is that the rapid expansion of highways and the geometric increase in the numbers of motor vehicles was entirely a matter of personal choice, personal preference. It was largely the result of governmental policy. The dedicated highway fund made our automobile oriented society a self-fulfilling prophecy. More highways were built than railroad beds, because that was where the money was, thanks to the Constitution.

America, in the process of becoming an automobile oriented society, fell in love with that automobile, and like most other Americans, I like to drive my car with its four-speed transmission, tachometer and its A.M.-F.M. radio, but someday I may be faced with the realization that I am going to have to give it up.

Our tremendous freedom of mobility has not come without its costs. The environmental and social costs of individual transportation have been heavy, and we are suddenly faced with the realization that our petroleum sources are neither infinite nor replaceable, we are going to

run out. Some of us in this room will probably live long enough to see that day. The Shah of Iran is right when he says that oil is too valuable to burn. For every barrel we use for fuel, that is one less barrel we can use in the manufacture of plastics and dozens of other synthetic materials which enhance our daily lives.

Maine is a rural state but one which has several concentrated urban areas. While some of you take hours to drive across your districts, I can walk across mine in less than 30 minutes. Aroostook County may never need a rapid transit system. Up there, they are going to need their automobiles longer perhaps than some of us will. That is one good reason for trying to make our petroleum supply last longer. We in the urban areas have alternatives, but in the County they don't, and that is one reason I support this resolution. Transportation alternatives will extend the petroleum supplies for those who will need it the most.

This resolution doesn't say that we are going to spend the highway fund on welfare or fire protection or to improve the fishing fleet; this resolution continues to dedicate our primary revenue source for transportation development and maintenance for transportation. While recognizing as a matter of public policy that Maine must be planning for the day when at least in some areas of the state the highway and the automobile will not be the primary means of transportation. And even if we do expect the automobile to continue to be the chief mode of transportation, I think we can support the resolution for its ability to finance secondary alternatives.

Some may argue that the folks in Portland and Bangor, Lewiston-Auburn and Waterville and Biddeford-Saco and other cities ought to pay for their own public transportation systems out of their property taxes. First of all, that argument presupposes that only urban residents would use public transportation and that there will be no inter-urban public transportation systems stopping in the suburban and rural areas. Furthermore, that argument presupposes that folks in Kennebec County, for example, support their roads with only their own gas tax dollars but, in fact, some of my money helps to support Route 11 up in Ashland and some of their money finds its way down to Broadway in South Portland.

Transportation is a statewide concern. This resolution doesn't end the use of the gas tax for highway use, but it will allow the state, as a matter of public policy, to vote some of that fund for alternative transportation systems when it perceives the need to do so.

A vote for this resolution does not deny the fact that some of our roads and bridges are in bad shape. It is worth noting that some public transportation systems will use those same highways and bridges which our cars and trucks use now. This resolution won't threaten jobs, because it takes jobs to build any transportation system.

This resolution does not mean the premature demise of the passenger car, although some people believe it is eventually doomed to the same fate as that of the passenger pigeon. This resolution means a shift but not a reversal in our long-standing public policy affecting the direction of basic transportation means within the State of Maine. Passage of this resolution is simply a responsible look to the future and it will permit the public an opportunity to vote on the way they see that future, and that is why I support it.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I intend to support Report A for some of the reasons you have already heard and one or two additional reasons which I will now tell you about.

The Highway Department, for years, has been the sacred cow down here and I don't mind taking a whack at a sacred cow now and then. In fact, today I am going to kind of enjoy it.

Two weeks ago, I sent a letter to the Commissioner of Transportation and I haven't yet received an answer. Last week, I sent another letter to the commissioner and I still haven't gotten an answer. I have been to the department several times and the questions that I have are questions that my constituents have been asking me over the months about a section of highway that was to be built through the town which I represent and live in. That section of highway has been surveyed now for six years. It has been planned to be built for four years, it has been deferred four times. The last information that I could get from the department of Transportation on when that construction would take place was that it was going to be put out to bid last October. Well, it hasn't yet been put out to bid, to my knowledge, and nothing down there has happened yet.

Now, it occurred to me that maybe if I started taking a swipe at the sacred cow, that somebody would decide that I live in Buxton and somebody might take a look at a highway map that is put out by the Department of Transportation and follow down to 13 down and "C" across, and there is a little dot there that says "Buxton." Maybe one vote from that area will make a difference when they want it and maybe I can find out when the highway is supposed to be built that concerns several businesses and many residences, and all of us down there would like to know whether or not we are going to be put out of business or left in business, either way it really doesn't matter. All we want to know is when.

Possibly some kind soul might send the remarks I have just made when they come out on the record down to the Commissioner of Transportation, and there is no point in me sending it down there because I guess the mail gets lost between me and him, but maybe somebody could do that for me, and maybe next week I will have a response to the two letters that I have written down there.

I hope you will support Report A and possibly we can get some sort of action.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the signers of Report B, which is the "ought not to pass" report. That is the report that will not undedicate the highway fund in any way.

Report A, I am afraid, will result in ultimate undedication of the fund, even though that is not the purpose. When I first was discussing this and we were discussing it in our committee, I was attracted to the notion of applying some of the highway funds towards public transportation, particularly in light of the coming energy crisis. However, when I started thinking about it some, I decided that for the best interest of the rural areas in the state which, as we know, are most of the areas of the state, it would be better to leave the highway fund the way it is.

I have also talked with our local division chief who indicates to me that the department has barely enough funds to maintain present upkeep programs. I am sure you are all familiar with the skinny-mix program. He tells me that they have barely sufficient funds to keep that program going. So I am fearful that if we go into public transportation that this sort of program will suffer. The highway fund, as we know, is not a bottomless pit and if we get into public transportation, I am afraid we are going to drain it off very quickly.

The other reason that I am against undedication of the highway fund is that I am afraid that it is going to cause a return to pork-barrel type of politics where the urban areas, the larger

cities getting what they would need the most, which is public transportation, and the rural areas suffering.

I would urge you to support the Report B "Ought Not to Pass" and leave things the way they are. I think they have been satisfactory for some years and I think they will stay that way in the future.

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

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: The only thing that this bill reminds me of is the little town of Vanceboro. It sits up on the Canadian border about 25 miles away from route one. There is a highway leading to it, Route 6 that, to my knowledge, hasn't been worked on in any manner for some 40 years. This spring during the thaw, it was virtually impossible to get from here to there because the road just went to pot and I mean pot. There are potholes in the potholes up there. There are stumps coming up through the pavement in the road. The road was built over the ground after they cut the stumps and they laid logs in there and filled in holes. There are virtually stumps coming up through the pavement.

This is a community of a few hundred people that for a certain time in the springtime are completely isolated from the rest of the State of Maine. The only place they can go is into Canada to do their shopping, to go to the doctor or anything else during this time.

This is a typical example of the condition that our highways are in under the current conditions. We make a raid on this highway fund to go down and build ferries and put in buses in Portland or Augusta or wherever, where are these little towns going to be that needed transportation? They have got to get into their car and go to work. If they can't get over the road, they can't go to work. I think this is a very very serious problem to the rural areas. If we keep making raids on this dedicated money, it is going to be a sad day for the rural communities. I move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I discussed this particular bill with a very good friend who is on the committee with me, Representative Jensen, who I respect and admire a great deal. I was told, as a result of the conversation, that we in Portland do have good roads. Now we need public transportation. Ladies and gentlemen, if a community in the state or this area has good roads, more power to you, but the rest of the state needs to be brought up at least to the same standard. There are communities within this state that have roads in such need of repair that the bedrock has all but disappeared. That doesn't just affect the northern part of the state, but I have seen a few roads in the southern part the same way. If you don't believe me, take a trip north or to some of the outlining areas.

I felt that undedicating the funds was not the answer to the problem. By solving public transportation in one area, we may cause economic chaos in other areas of the state through degradation of our complete highway system. I pointed this out to my good friend from Portland and as a result, an amendment was produced which I must comment on. This amendment, filing number, H-308, is only a very small step to the solution to both Portland's problems and our rural areas. But I would like to point out, we must be careful because this could also be a step backward.

Allocation of funds is by division within this state. At present, there are seven different divisions, as indicated in our highway-bridge improvement program. Funds are allocated by highway miles, necessity, priority of work pro-

jects for safe highway usage. Just to give you an idea of how this affects your particular areas, division one is Aroostook and part of Penobscot. Division two is Hancock and Washington counties. Division three is part of Penobscot and Piscataquis. Division four, you have Kennebec, Somerset and part of Franklin county. Division five, you have Knox, Lincoln, Waldo and Sagadahoc. In division six you have Cumberland and York. In division seven, Androscoggin, Franklin and Oxford. Just to give you an idea, for the future allocations in division one, which is my own division and I am familiar with, we were allocated \$31,303,800. Of the \$31 million, \$22,649,000 has got to be put onto Interstate 95. This is by Federal law. If we don't put it in and we don't complete Interstate 95, the feds are going to take some of their money back and we can't afford that. That leaves us \$8,654,800 to complete the rest of the projects within our division.

The Portland division which my good friend is in. They were allocated \$20,250,400. To complete their interstate systems, you have \$8,306,000 and that leaves them \$11,944,000, almost \$12 million. Well, they are \$3 million up on me and I wish I could get hold of a part of that \$3.

The present methodology of funding by division works, but this is a department division. It is therefore not assured to stay as it is right now. You can change the divisions by adding or deleting portions, even making two or three divisions out of the present seven. If you do this, you are going to change the whole picture of the public input of the funding allocations and I think perhaps a lot more work is needed to provide assurances to your people and my people that the equitable allocation of funds is maintained to the present road division system. I think that is going to take legislative action in the future to do that.

Also, many communities and unincorporated areas are involved within each division. How will these communities participate in the public input for the distribution of the funds? I would hope that a lot more information is forthcoming before I or my constituents could lend support to undedicating these very important funds because they are the life blood of this state. I support the motion of my good friend, Mr. MacEachern.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Most of the things have been covered which I intended to state, but my only concern is, since 1950, the highway fund has not generated enough money to be self-sustaining. Through legislature, through people's referendum, invariably we have had to be voting on a referendum to provide a bond issue to develop a bridge or a highway in some area of the state. I would hate to see us raid this fund in view of the fact it is not self-sustaining at the present.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Members of the House: I rise today as the good gentleman from Buxton, Mr. Berry, as David against Goliath. Goliath is the department of transportation.

There are three reports of this bill. Report A, Report B, and Report C. Report C of this bill was signed by one member, this original bill, L.D. 651, which basically undedicated totally the highway fund. I will not discuss the merits behind Report C, even though that is the report I would like to see pass, because now I have decided that I agree with the basic premise of Report A and I feel it is a step in the right direction of maybe slewing Goliath and having David take a small shot at it.

Six members of the State Government Committee have expressed their support for A modified version of the original legislative

document. This new draft of the original bill proposes to amend the Constitution to permit the highway fund to be used for public transportation purposes.

There has recently developed in this country a trend toward a reexamination of traditional institutions, policies, practices to determine if the justification still exists for these different proposals and practices in this complex society of ours. I feel the time has come for this legislature and we as legislators to reevaluate the present practice of exclusively diverting tax dollars of the people of Maine exclusively to highway construction and road repair.

We have in our Constitution, since 1944, a provision which exclusively designates that each tax dollar paid by the people of Maine to be used solely for highway construction and road repair. In 1944, the reasons behind such a constitutional amendment were probably justified, but times have changed. We live in an environment, in a society, where people no longer have a car as a luxury but now own a car as a necessity. In fact, in 1944, only one out of five people had automobiles. Now, 1.5 people in the State of Maine have a vehicle of some type.

I support this modified version of L.D. 651 and I hope the rest of you will too. It is not what I like as far as total undedication but I think it is a step in the right direction of looking ahead and not behind.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely hope that you will indefinitely postpone this bill and all its accompanying papers. I am not too sure what public transportation is. I live so far in the woods that I rarely get out to see any. My memory, from previous city life, is that public transportation is composed of buses, trolley cars, railroad passenger trains and steamboats. Some of these are a little gone by, I think. As far as I am concerned, the only public transportation that we will have in my part of the country, if we run out of gasoline, is shoe leather and that is kind of rough going.

I do want to amplify just a bit on the story told by the good gentleman from Lincoln, Mr. MacEachern, on the Vanceboro road. Vanceboro road connects Topsfield and Vanceboro and Vanceboro is right on the Canadian border and there is a Georgia-Pacific plywood mill in MacAdam, which is in Canada. We also have a Georgia-Pacific mill in Woodland, which is in the United States, and heavy trucks go back and forth across this road. This spring, the heavy trucks just about demolished that road. As soon as I found out about it, we were able to get the road closed, we were able to get bulldozers and trucks and gravel down there and make that road passable so that the people in Vanceboro, who have only one road in and out in the United States, could get out of there. The next thing we are going to need is a new road there and it is going to take some money. I am going to try to promote that as best I can. If we start buying trolley cars and buses, there won't be any money for my road in Vanceboro. I trust you will indefinitely postpone this bill.

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

Mr. DRINKWATER: Mr. Speaker, Members of the House: I happen to live east of the Kennebec River, a dividing line that I have been giving quite a lot of thought to lately. I also, in my business interest on a part-time basis, travel throughout the state from Rock's Hot Dog Stand in Fort Kent to Kittery. I am a little bit acquainted with the roads in Maine and a lot of you people know what I do, you know that I am acquainted with the roads in Maine. I find it pretty hard to buy undedicating the highway funds. I find that East of the Kennebec River

and north to Rock's Hot Dog Stand in Fort Kent, our roads are not as great as they could be.

I have a hunting camp in Washington County, so I am familiar with Route 1 to Calais, in fact my wife comes from Washington County. I am familiar with the byways, I am familiar with Route 9, I am familiar with the problems we have. I don't think this is the time, not this year, to undedicate the highway funds. Therefore, I urge you to go along with the motion.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Report A does not undedicate the highway fund. It includes mass transportation as being fundable. I can assure the House that it was not my intent that this mass transportation was going to be located in the City of Portland only.

We have heard people talk about the condition of the roads and you can check this legislator's voting record and I have supported town road improvement. It means \$178 to my city. I have supported the rural program for resident state trooper and I supported all kinds of programs for the rural area and I don't really see this, from my perspective, as a city/rural question. I kind of like seeing all you folks from the rural area down here at the legislature and I just really think that once we get through the nice roads, I want to make sure you have got something to drive on those nice roads to get down here. I think that is the issue and we should be looking down the road and start thinking about mass transportation for the entire state.

I just offer this flexibility for a funding to start looking at mass transportation, because you have got people back home and if you can stand there and tell me that when gasoline goes to \$1.10 a gallon that your folks in Vanceboro and everywhere else are going to be able to jump in the automobiles and head off to work and may not need some sort of bus transportation to get them to the next town where they work, I will find it very hard to believe. I think that is where we are headed and I am just trying to get this house to start thinking years down the road. It is certainly not my intent to isolate the rural areas of this state by taking and putting public transportation into the highway funds. It may be ten years down the roads, so the only one here to be voting will be Mr. Stubbs who will walk over from Hallowell.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I quite concur with my very good friend from South Portland, Mr. Curran, that this is not a rural versus urban issue. As a matter of fact, very frankly, I wish we could sort of forget about that syndrome that prevails sometimes in this House.

I have had a change of opinion on this particular matter during the years that I have served here in the legislature. I think when I first came here, I probably would have voted if I did not in fact vote to undedicate the highway revenue. As I have served here and as I have hopefully done some work to improve the roads in my area, I am becoming increasingly concerned about the fact that we are falling behind in the maintenance of the roads in this state.

I would like to just call your attention to some figures that I asked the Commissioner of Transportation to send over to me. In the past four years, the past two bienniums, the amount of money that we have placed in highway bridge improvement program, exclusive of personnel costs, has increased about ten percent. At the same time, the comparison I am making is 1973 figures and 1976, costs of materials that the Department of Transportation have to use in their road maintenance program have increased dramatically. For example, liquid asphalt between 1973 and 1976 has increased 105

percent. The skinny mix program, the hot pot that we all like to see applied in our areas, has increased 39.5 percent from 1973 to 1976. Culverts have increased 42.5 percent, and the list goes on and on and on.

I would like to make two points. Number one, I think that as the inflationary impact hits the Department of Transportation, we are falling behind in the maintenance of our roads in the state. Number two, I am not convinced in my own mind that any type of mass transportation is a feasible alternative in a state this size with the population it has. I would submit that probably in some cities that I think probably already have public transportation, there will be increased moves toward that type of transportation. In the rural areas, I find this to be very unlikely.

Before I sit down, I would like to indicate to my good friend Mr. Berry from Buxton, I will take a copy of the Horse Blanket for the Commissioner of Transportation and see if maybe we can't get a reply to his letter.

I do hope that you do support the pending motion of indefinite postponement, because I think now is not the time to expand the use of the gas tax revenue for other public transportation measures.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this piece of legislation, and I rise in opposition to the pending motion. The federal government has been providing tremendous subsidies for transportation purposes throughout the country for many years. This started several decades ago, primarily with the highway trust. As has been suggested before, one of the problems that has occurred is that you have had a tremendous amount of subsidy directly going to road construction. What this has done, this has directed what is going to happen to transportation within the United States and in Maine.

I grant you that the State of Maine is never going to get away from having roads, it is never going to get away from requiring road maintenance, road construction and the like, but do submit to you that so long as it is subsidized to the extent that it is, we are going to be in trouble, because by the time the time comes when we have no alternative but to use alternatives to the road, it is going to be too late. The time is not going to be there to develop alternative transportation modes.

In my own district, we have a series of different types of transportation mechanisms. We have highways, we have water ferries, a major airport, a transit district and it appears that in a few years we may have well some sort of rail transportation service for passengers as well as the freight that is now in existence. Each of these systems differs in cost, each one competes to some extent. Each system provides different benefits to different members of our society. By the same token, different geographical areas have different problems and needs in the area of transportation. The State of Maine ought to have the ability to respond to Caribou's highway needs, Portland's transit needs and perhaps Owl's Head's water transportation needs.

I have prepared an amendment to this bill which, if you allow it to get to second reader, will say that dedicated revenues within the Highway Department will be allocated by region. At some later point, we will define what those regions are. It further says that the electors of that region may, by referendum, divert a portion of those funds allowed to their region to construct, reconstruct, maintain, repair, purchase and operate systems or parts of systems for a variety of transportation modes. What I am saying is, in the Portland area, if we decide by referendum that we want to take our money, and we want to put it into a transit

system or a van pool system or a water ferry or an airport or a rail passenger service or whatever, allow the people of Portland that right.

I have heard a great deal of discussion today about the problems in the rural areas, and I have heard a great deal of discussion about how they need their money for the skinny mix, how they need their money for the town road improvement program and a series of other programs all rurally oriented. These programs exist and they are paid for by all the people of the State of Maine. Now you have a situation where people are saying that the Highway Department needs more money.

I have been up here, this is my second term, last year and the year before there were very clear attempts to raise the gas tax, in years prior to that, there were very similar attempts. This has occurred, and understand it, virtually every year for the last few decades and this is going to continue to occur, and at the same time, I see people from the rural areas coming up to me and asking me to vote for their gas tax increases because they say that they have a problem, they say that they want some support, they say that they want their roads to be better maintained and they can't understand why many people, such as myself, in urban areas have different needs — well vote for it.

I submit to you that if you actually want the support that is necessary to build, reconstruct or maintain your roads, your new roads, you ought to give some thought to this bill, particularly with my amendment, because until a time is reached that you allow the various parts of the state to be serviced in the mechanism that they need, in a different way they need, you are not going to get what you need. Politics is a system of compromise. It is a system of allocating resources throughout the state to the various people that need them in the different ways they need them.

Earlier this year, we voted for an inventory reimbursement; that helped some of the areas. Earlier this year and last year, we voted for Spruce Budworm, that helped some of the rural areas, it helps up north. We just voted for a bill to allow resident state troopers; that does not help the urban areas. What you need to do is establish a mechanism that is going to allow different people, different areas to have different things. I submit to you, until this is done in some mechanism, in some fashion, you are not going to have what you feel you need in your own area. I urge you to vote for the bill.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I have always maintained the contention in my mind and a bill like this just bears out what I have always felt, that not until everything south of Augusta is completely paved will I get my potholes fixed, and this bill is going to do exactly that. It is going to just take the money away from my potholes and put them down in southern Maine. I am getting attached to my potholes.

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

Mr. HOWE: Mr. Speaker, I request we cast the vote by the yeas and nays.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I say to you, this report is a report of experimentation, not implementation but experimentation. We just heard the gentleman from Portland's great wisdom in regionalization. He wants to regionalize. It is an experimentation process that he is talking about.

I think the answer to our problem is going to be, do you want roads for everyone or do you

want roads for those just in certain areas? Thus far, we have tried to satisfy the needs wherever possible, within the means possible, and it has been a terrifying experience when you watch the decline in revenues that they are talking about. We haven't actually seen this decline, but they continue to preach it all the time.

I have great concern when someone comes to me and they want to experiment with highway funds because we have such a great need for highway funds at this time. We have a great need to try to maintain the existing facilities that we have without diverting our money to other facilities.

I would urge you all to vote for the indefinite postponement of this bill and all its accompanying papers, because I feel that we are in no position to start playing with the dedicated revenues at this time. I would urge you as House Chairman, if you are writing letters to the Department of Transportation and you are not getting answers, please, as a courtesy to George Carroll, House Chairman, let him know, he will call them and find out whether your letter is in the round file or whether it has gone by air mail and never got there or whether somebody is sitting on it. I assure you. I have great concern about the lack of answering to your mail, but I don't think that because a couple of letters have not been answered that we should try to take the dedicated revenues away at this time.

I certainly would hope that you would go along with us here today and you would vote to indefinitely postpone this bill and all its accompanying papers.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I don't know but the young gentleman from Portland is half right in what he has been telling. I have been listening to this with quite interest. Many years ago when I was a kid, I can remember how well it was then, there was a few dollars left over that the bureaucrats didn't get so we could have it for the roads. That was before we built up such a conglomerate down across the road here. That was before we bought all these big trucks that takes all the time they have to haul them. That was before we got so many men that are working for the state, now we have got about four times as many men as we need. I have never seen so many people that don't do anything as I have when they're working for the Department of Transportation. I don't know, Mr. Jensen, but you have got a point in that.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Members of the House: I sympathize with many people who live in rural areas and their problems because there are many potholes that have not been filled by the Department of Transportation, many roads haven't been repaved in many years and such things as that. Let me ask you a question and have you maybe ask Commissioner Mallar a question. How come there is an \$8.5 million surplus in the Department of Transportation? That is as of 1976. It seems to me that that money could have been used to fill those potholes in Eagle Lake and up there in Lincoln or wherever you come from. There is an \$8.5 million surplus in the Department of Transportation.

It seems the Department of Transportation plays by a set of different rules than we play by up here. They don't have to go to the Appropriations Committee like we have to do to fund different programs. Their budget is approved by the Transportation Committee. They don't have to wait in line and justify the existence of their program like we have to in our programs which we pass here.

When they tell you that we have bad roads, we do have bad roads in many areas of the state, but I ask you whether it is because of lack of



funds or because of lack of efficient administration. I hope you don't support the motion to indefinitely postpone this bill so we can have a second reading and we can discuss the merits of possible amendments at that time.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I can't really let the comments of the previous speaker go by without some response. I can't believe that he doesn't realize what that unappropriated surplus in the Department of Transportation is used for. First of all, I think he very well knows that the personnel costs of that department, part of the state police have to come out of the gas tax revenue, so they have to hold some money in case this legislature decides to have, in the past, a cost of living increase for state employees, or now the present merit system that we are operating under. I would also indicate to you that the Highway Department takes some of that surplus each year and retires the outstanding bonds.

The gentleman made some comments about the efficiency of the department and the administration of the department. I would like to indicate that I have learned a great deal about the department and how it operates during the past five years. I think the more I learn about the process that it operates under, the better I am able to effectuate some of the changes in my area that I would like to see take place.

I see no reason why the Transportation Committee doesn't do a very good job of reviewing that department's budget. I am sure they probably will change some recommendations the commissioner makes in terms of priorities. I think the process is appropriate and I urge you to vote yes on the pending motion.

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

#### ROLL CALL

YEA — Alopis, Ault, Austin, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Clark, Conners, Cox, Cunningham, Dexter, Dow, Drinkwater, Durgin, Elias, Fenlason, Fowlie, Garsoe, Gray, Greenlaw, Hall, Hickey, Hunter, Hutchings, Jacques, Littlefield, Lougee, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nelson, N.; Norris, Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Shute, Silsby, Smith, Stover, Strout, Stubbs, Tarr, Teague, Theriault, Tozier, Wittemore, The Speaker.

NAY — Bachrach, Berry, Brenerman, Brown, K. C.; Burns, Chonko, Connolly, Cote, Curran, Davies, Diamond, Flanagan, Gill, Goodwin, H.; Goodwin, K.; Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Masterton, Nadeau, Najarian, Nelson, M.; Post, Rollins, Spencer, Talbot, Tierney, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Bunker, Devoe, Dudley, Dutremble, Gauthier, Gillis, Gould, Green, Immonen, Jalbert, Kelleher, LeBlanc, Lewis, Lizotte, Lunt, Peltier, Rideout, Sprowl, Tarbell, Torrey, Truman, Twitchell, Tyndale.  
Yes, 83; No, 45; Absent, 23.

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

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

Mr. MacEACHERN: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, having voted on the prevailing side, now moves we reconsider our action whereby this Bill was indefinitely postponed. All those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

#### Orders of the Day

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

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

Tabled — May 11, 1977 by Mr. Carey of Waterville.

Pending — Passage to be Enacted.

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

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

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

Tabled — May 11, 1977 by Mr. Goodwin of South Berwick.

Pending — Passage to be Engrossed.

Mr. Goodwin of South Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-321) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith.

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

HOUSE REPORT — "Ought to Pass" as Amended by Committee Amendment "A" (H-159) — Committee on Education on Bill "An Act to Facilitate Out-of-state Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502)

Tabled — May 11, 1977 by Mr. Lynch of Livermore Falls.

Pending — Acceptance of the Committee Report.

On motion of Mr. Lynch of Livermore Falls, retabied pending acceptance of the Committee Report and specially assigned for Tuesday, May 17.

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

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

Tabled — May 12, 1977 by Mr. Kelleher of Bangor.

Pending — Motion of the same gentleman to Reconsider action whereby Bill failed engrossment.

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

Mr. BOUDREAU: Mr. Speaker, since Mr.

Kelleher is not here today and this is his bill, I would like this bill to be tabled for a day.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Kelleher of Bangor to reconsider and specially assigned for Monday, May 16.

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

Bill, "An Act Relating to the Spending Ceiling for Education Purposes" (Emergency) (H. P. 968) (L. D. 1165)

Tabled — May 12, 1977 by Mr. Greenlaw of Stonington.

Pending — Motion of the same gentleman to Reconsider Failing of Adoption of Committee Amendment "A" (H-282) as Amended by House Amendment "C" (H-307) thereto

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to what you did yesterday and have you understand the effects of removing the committee amendment from the Bill, L.D. 122. Your action in indefinitely postponing that Committee Amendment "A" leaves you with the bill alone. What is the bill? It takes off the ceiling, it allows all the local appropriations to be included in the computation two years from now.

Let me tell you that the 107th did exactly that same thing. It removed the ceiling just as this bill. This bill is a copy of what was done by the 107th. It extends it for one more year, and I hope you will learn from experience and not repeat what was done by the 107th. The 107th, under its leeway provision, has built in a \$14 million increase that you are going to face next spring. Taking the ceiling off has built in \$13 million more that you are going to have to face this spring when you address school funding. I ask you, do you want to take the ceiling off, do you want to include all these costs in the computation, do you want to build in for the 109th Legislature twenty-five or thirty million dollars more funding?

Put the committee amendment back on; it puts some constraints on education spending, it allows some loopholes that they can use local appropriations if they deem it necessary, but they are put on notice that if they raise these local appropriations, they will not be included in the computation.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will heed Representative Lynch's words and vote to reconsider the adoption on Committee Amendment "A".

I would also like to say something about House Amendment "C" which we adopted to Committee Amendment "A" yesterday. If you recall, there was a little bit of confusion about when the effective date of this should be, and Representative Lynch and I were both half right. For the record, I want to state that we both want the same thing, and that is, what it should say is that the language of this bill will take effect July 1, 1977 but the distribution will not take effect until July 1, 1978, and that can be adjusted in the Errors and Inconsistencies Bill.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will reconsider today. I did vote against engrossing this bill yesterday and I guess I did it in the heated debate of failing to kill House Amendment "C".

I think the bill is a good one, the concept is a good one, and while I disagree with House Amendment "C", to me that is not a deterrent enough to kill the entire committee amendment. I think we have to look and see what our

alternatives are, as Mr. Lynch has said already. If we kill committee Amendment "A" as amended by House Amendment "C", we end up with the bill itself. It removes the ceiling for one year only, which means we are going to have to come back here in the next session of the legislature and face the same question again. It allows that the monies that are raised over this ceiling to be figured in the cost of education, and I don't think we want to do that.

The other alternative is that if that should fail, we will do nothing. If we do nothing, we have better than 200 towns throughout the state who need extra money because they are above the state average. They are going to need a waiver, they are going to have to go to the State Board of Education, and those that are not granted a hardship waiver are going to be faced with a program that is going to seriously hamper their education in that town.

So I would hope that you would reconsider what we did yesterday and pass this bill along, and who knows, the other body might be a little more fiscally responsible if that is the case and strip House Amendment "C" from it. Maybe they will and maybe they won't, but whether they do or not, I don't think should be considered here today. I think we owe it to the people of those towns who do need the extra money and are going to need it considerably, because they are above the state average, to give them that opportunity.

It removes the ceiling permanently, but the dollars are not included in state participation at a later date. We are talking about towns, again, that are above state average that feel that they need this money to maintain their basic programs to those students that are there. If they need more money over and above what they have been raising in the past year on a per pupil basis, they can go to the state board then for a hardship waiver. To do that does to me, put some sort of a limit on it. Because if these towns realize that they can maintain their current programs on a per pupil basis and then if they have to go before the state board, they are going to think twice, they are going to think hard and they are going to have to make some serious justifications to the State Board of Education before they try it and before the State Board will allow them to spend the extra money.

As one who did vote against it yesterday, I would urge those of you who did, along with myself, to reconsider this bill and send it on its way, because I think the concept is a good one and I think the benefits to the State of Maine and the education community would be great.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I think the gentleman from Scarborough has nailed the problem right on the head and then came up with an absolutely ridiculous solution, which is to reconsider Committee Amendment "A." Put yourself in the position of one of these 200 towns that he talks about. Use your leeway, use your maintenance of effort, you have got your basic allocation and you are a hundred thousand dollars short. What do you do? You make an application for a hardship waiver from the State Board of Education. You know who runs the State Board of Education and you know who that gentleman works for and you know that attitude that permeates this administration relative to education. How much hardship is one going to have to show before one gets a nickel? I think that is the question you have to ask. I am surprised the Education Committee did not come with some other vehicle for granting the money other than this particular one; that is what has got me very very nervous about this.

I wouldn't be surprised if you didn't see a single hardship waiver granted. I know that some of my good friends in this body would be

just as pleased if that were the case, and if that is what you want, then you are right on target with this Committee Amendment because that, in my opinion, is what you are going to get.

The same people who are talking about local control, local control, local control, now say if you want to raise more money for schools in your local district, you can't do it unless you get permission from the state. Is that local control?

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I think I would take issue with the remarks of the previous gentleman in the sense that he suggests that the only additional possibility for raising funds for local school units is through a hardship waiver. The way I read the amendment, it appears very clear to me that there is an additional option open to local units, and that is going back, returning to the old maintenance of effort concept.

The way I read the amendment, after a unit raises additional money under this maintenance of effort procedure, they still don't have sufficient funds to meet their educational costs, then they would come to the State Board of Education for a hardship waiver. So I think there is another step in between the basic allocation, the local leeway and the hardship waiver that the gentleman from Augusta has referred to.

I think it is important, if this amendment is adopted, because it seems to me that if we do not adopt this amendment, all of the units across the state are going to be in a difficult position to properly finance their budgets for the coming year.

I voted for the amendment yesterday and I changed my vote in an effort to table it and get a reconsideration motion, because I think there was a great deal of confusion between the Committee Amendment and the amendment that Mrs. Najarian offered. I think she has placed that for the members of the House in proper perspective this afternoon, and I certainly hope that we do reconsider, because I think it is important that we get it enacted and onto the books as quickly as possible.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Let me clarify something that the gentleman from Augusta developed. Under the ceiling bill, local units can reach back and raise enough money to reach this year's costs by the use of leeway and maintenance of effort without state sharing. They have that option to get back to this year's costs without seeking any waiver from the State Board of Education. Now, if you go beyond this year's costs, it may require a waiver from the State Board of Education.

The gentleman from Augusta objects to this restraining effect, and I say to you that you cannot fund education in the State of Maine without some controls. The cost of education develops on the local level, and if you don't put some restraints on local education funding, you are committing the state general revenue to an unburdenable effort.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that the House reconsider its action whereby the House failed to adopt Committee Amendment "A" as amended by House Amendment "C" thereto. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

Thereupon, Committee Amendment "A" as amended by House Amendment "C" thereto was adopted.

On motion of Mr. Quinn of Gorham, under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "C" thereto and sent up for concurrence.

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

Mr. GREENLAW: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby we passed this bill to be engrossed and I hope you all vote against it.

The SPEAKER: All those in favor of reconsidering whereby this bill was passed to be engrossed will say yes; those opposed will say no.

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

(Off Record Remarks)

The Chair laid before the House the following matter:

Senate Joint Order (S. P. 489) relative to recalling from the Governor's Office to the Senate, Resolve, Directing the Bureau of Taxation to Provide Credits for the Commuter's Income Tax Imposed by New Hampshire for the Period January 1, 1975 to March 19, 1975 (H. P. 1482) (L. D. 1698) which was tabled earlier in the day and later today assigned pending passage in concurrence.

Thereupon, the Order received passage in concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court" (H. P. 281) (L. D. 375) (C. "A" H-305) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On the motion of Mrs. Tarr of Bridgton, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-330) was read by the Clerk.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: Let me read the Statement of Fact. This amendment insures basic fairness to the employee, the employee must be paid compensation during that appeal. The amendment the commission awarding compensation to the employee, the employee must be paid compensation during that appeal. The amendment provides equal fairness to the employer by stating that if after a commission review of the employee's incapacity the commission denies the employee any further compensation, payment stops from the date of the commission's order. even though the employee appeals the order to the law court.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Lest anyone feels that the gentlelady from Bridgton, Mrs. Tarr, in the final hours of this afternoon's session is trying to undermine this piece of legislation, I would like you to know that the good gentlelady and I conspired on this amendment and it was drafted at my suggestion. It is a good amendment and I think it makes the entire process an evenhanded one.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

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

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

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Communication: (S. P. 499)  
State of Maine  
Office of the Governor  
Augusta, Maine  
04333

April 29, 1977

Honorable Joseph Sewall  
President of the Senate  
and

Honorable John Martin  
Speaker of the House

Dear Joe and John:

This is to formally notify you that Thomas G. Leahy, Esq. of Porter's Landing, Freeport was nominated to serve on the Maine Guarantee Authority today.

In accordance with M.R.S.A., Title 10, Section 751 as amended, this nomination is subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature.

Your assistance in this area is appreciated.

Very truly yours,  
(Signed) JIM  
JAMES B. LONGLEY  
Governor

Came from the Senate read and referred to the Committee on State Government and sent forthwith.

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

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, is the House in possession of House Paper 538, L.D. 653, Bill "An Act to Provide for Exemption of Farm Supplies from the Sales Tax?"

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I move that we reconsider our action whereby we accepted the Majority "Ought Not to Pass" Report.

Whereupon, on motion of Mr. Carey of Waterville, tabled pending the motion of Mr. Hobbins of Saco to reconsider and specially assigned for Tuesday, May 17.

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

Mr. MACKEL: Mr. Speaker, is the House in possession of House Paper 98, L.D. 122, Bill "An Act to Clarify Vocational Education Reimbursement in Vocational Centers and Vocational Regions?"

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentleman from Wells, Mr. Mackel.

On motion of Mr. Mackel of Wells, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman moved that the bill and all accompanying papers be indefinitely postponed.

On motion of Mr. Garsoe of Cumberland, tabled pending the motion of Mr. Mackel of Wells that the Bill and all accompanying papers be indefinitely postponed and specially assigned for Monday, May 16.

(Off Record Remarks)

On motion of Mr. Elias of Madison,  
Adjourned until Monday, May 16, at 9:30 in the morning.