

# 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

Monday, May 16, 1977

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

Prayer by the Reverend John Pinder of the Amherst-Aurora United Church of Christ, Amherst.

The members stood during the playing of the National Anthem by the Greenville High School Band.

The journal of the previous session was read and approved.

## Papers from the Senate

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

May 13, 1977

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

Dear Clerk Pert:

The Senate today voted to Insist and join in a Committee of Conference on Bill, "An Act to Clarify the Powers of the Department of Inland Fisheries and Wildlife" (H. P. 354) (L. D. 447).

Respectfully,

Signed:

MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act to Revise the Judicial Retirement System" (S. P. 497) (L. D. 1776)

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

In the House:

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would refer everyone's attention, when they have an opportunity sometime in the next couple of days, to L. D. 1776. You will notice at the top of the bill it states that this is the Governor's bill. Just because it is a bill which totally revises the judicial retirement system is one thing. The point I would like to bring to your attention is the date, May 16, a bill being sent to committee by the Governor. The next time your constituents ask you why we're here so long, there is more than one reason.

Thereupon, the Bill was referred to the Committee on Veterans and Retirement in concurrence.

## Reports of Committees

## Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Authorize the Construction of a Bridge Across the Saco River Between the Cities of Biddeford and Saco" (S. P. 368) (L. D. 1225)

Came from the Senate with the Report read and accepted.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker, Ladies and Gentlemen of the House: Because of the overwhelming response of my constituents this past weekend regarding L. D. 1225, I respectfully move that we substitute the bill for the report and would like to speak to my motion.

The SPEAKER: The gentleman from Biddeford, Mr. Truman, moves that the bill be substituted for the report.

The gentleman may proceed.

Mr. TRUMAN: Mr. Speaker and Members of the House: The feasibility study to construct a bridge between Biddeford and Saco was made

in 1965 and was approved two to one. In my opinion, if a study were made today, the report would be four to one. We desperately need this bridge to alleviate the traffic congestion that overburdens the small bridge that presently connects the two cities. The traffic situation in this area is chaotic and will get worse if action isn't taken shortly. Bumper to bumper traffic is a common occurrence when people are going to and coming from work. The problem is compounded during the summer months when the influx of traffic increases from tourists. Then the bottleneck exists and cars are lined up bumper to bumper for about two or three miles.

The traffic count in 1965 was 10,000 vehicles a day on a daily basis. In 1975, it was 18,000 plus, nearly doubled. The bridge would cost \$2 million and would be bond financed. The bill also provides for a statewide referendum and the proposal would be decided by the voters. I believe that this is a priority item and I ask for your support.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the members of the Transportation Committee. Did the sponsor ask for leave to withdraw from the committee or did the committee infer that he either get a "leave to withdraw" or an "ought not to pass?"

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to any member of the transportation committee who may care to answer.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Senator Farley appeared before our committee, a Senator from the other body, and specified that this was his L. D. and he requested permission to withdraw. It was voted by the committee that he be granted his request.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker and Members of the House: My reasons for challenging Mr. Farley was that I thought this bill deserved fair play. Mr. Farley submitted the bill to be printed. The public hearing was advertised and he withdrew the bill right before the public hearing. Technically, there was a public hearing but there wasn't a public hearing. The people back home interpreted his remarks in the newspapers as being that there wasn't public hearing but there were quite a few people that wanted to come up and speak on behalf of this bill, and that was my reason for challenging his leave to withdraw motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to further pose a question through the Chair to the Representative that just spoke. Did you appear before the committee and object to the Senator's request for leave to withdraw?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Biddeford, Mr. Truman.

The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker, Members of the House: To respond to Mr. Kelleher's question, when Mr. Farley made the leave to withdraw motion, I interpreted it that there wouldn't be a public hearing. This is the impression that he gave me and to the people, but I did challenge it after.

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

Mr. QUINN: Mr. Speaker, Members of the House: The kind of issue raised by Mr. Truman is a valid one; not necessarily addressing the issues of the difference of opinion on this particular bill, I think we all know, first of all when a bill is submitted, it then becomes the property of the legislature, it is no longer an individual's private thing. I think we all have made some efforts this year to put our bills in and not to duplicate bills. If one person has a bill in on one subject and another person intends to address that same subject, I think many of us have sort of withdrawn, let cloture go by and are perfectly willing to deal with the vehicle that we believe will be there. I therefore think that Mr. Truman has a very valid point. He feels so strongly about this particular issue that it is apparent that he would have submitted the bill had he known this vehicle was going to die. I think the least we can do is offer him a chance to have it heard if he wishes to have it heard.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I thank the good gentleman from Gorham for his lesson in filing bills, but it seems to me if the Representative from York County was that interested in the bill, there certainly wouldn't have been a leave to withdraw report coming from that committee.

I would oppose the motion to substitute the bill for the report and ask for a division.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: In view of the facts presented here and also the unusual circumstances, I would request that Mr. Truman withdraw his request and I will make a motion that this bill be recommitted to the Committee on Transportation.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker, Members of the House: I withdraw my request.

The SPEAKER: The gentleman from Biddeford, Mr. Truman, withdraws his motion to substitute the bill for the report.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I now respectfully request that this legislative document be recommitted to the Committee on Transportation.

Thereupon, the Bill was recommitted to the Committee on Transportation in non-concurrence and sent up for Concurrence.

## Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Concerning the Calculation of State Aid to Municipalities for the Care of Highways and Bridges" (S. P. 271) (L. D. 829)

Report was signed by the following members:

Messrs. GREELEY of Waldo  
MINKOWSKY of Androscoggin  
McNALLY of Hancock  
— of the Senate.

Messrs. CARROLL of Limerick  
BROWN of Mexico  
ELIAS of Madison  
JENSEN of Portland  
McKean of Limestone  
Mrs. HUTCHINGS of Lincolnville  
Messrs. LITTLEFIELD of Hermon  
JACQUES of Lewiston  
— of the House.

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

Report was signed by the following members:

Messrs. STROUT of Corinth

LUNT of Presque Isle

— of the House.

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

In the House, Reports were read.

On motion of Mr. Carroll of Limerick, the Majority "Ought Not to Pass" Report was accepted in concurrence.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Place the Office of Energy Resources in the State Planning Office" (S. P. 314) (L. D. 1034)

Report was signed by the following members:

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

— of the Senate.

Mr. VALENTINE of York  
Mrs. BACHRACH of Brunswick  
Mrs. KANY of Waterville  
Mrs. LOCKE of Sebec  
Messrs. DIAMOND of Windham

SILSBY of Ellsworth  
CURRAN of South Portland  
Mrs. MASTERTON of Cape Elizabeth

— of the House.

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

Report was signed by the following members:

Messrs. CHURCHILL of Orland  
STUBBS of Hallowell

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on State Government read and accepted.

In the House: Reports were read.

Mr. Curran of South Portland moved that the Majority "Ought Not to Pass" Report be accepted in concurrence.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would be shirking my duties here if I didn't speak to this motion. I object to the "Ought Not to Pass" Report for the simple reason that this is a reorganizational bill. There is no money involved in this. We have several more coming up with a quarter of a million, a half million dollars and a few hundred thousand. This was a recommendation by the Task Force on Governmental Reorganization. Because the emphasis nationally is on planning and coordination, the Task Force recommends that the present Office of Energy Resources should be transferred as a division to the state planning office. Several other states have established this organizational relationship and coordinate energy function is part of their overall planning policy.

The present office of Energy Resource is a small agency and additional support for personnel, budgetary and accounting could be better provided by the State Planning Office. Several of the programs are closely related to planning activities and other issues that require interdepartmental coordination. Some of the activities in the Office of Energy Resources are assisted now by federal funds administered by the State Planning Office under the Coastal Zone Program. Reorganization of the agency meets the specified criteria of the Task Force and will contribute to better management in reducing by number officials appointed by the governor and therefore reporting to the governor and thus reducing the demands on the Governor.

Overall, this change should enable the Office of Energy Resources to meet its legislative mandate. I only hope that when any other bills

come up, they will all meet the same fate as this one because this one doesn't cost us one nickel, nickel.

Thereupon, the Majority "Ought Not to Pass" Report was accepted in concurrence.

#### Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought Not to Pass" on Bill "An Act Relating to Solid Waste Disposal" (Emergency) (S. P. 248) (L. D. 756)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot  
REDMOND of Somerset

— of the Senate.

Miss BROWN of Bethel  
Messrs. BLODGETT of Waldoboro  
DEXTER of Kingfield  
WILFONG of Stow  
HALL of Sangerville

Mrs. HUBER of Falmouth  
Messrs. HUNTER of Benton  
GREEN of Auburn

Ms. BENOIT of S. Portland

— of the House.

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

Report was signed by the following member:

Mr. O'LEARY of Oxford

— of the Senate.

Came from the Senate with the Bill and Papers indefinitely Postponed.

In the House: Reports were read.

On motion of Mr. Blodgett of Waldoboro, the Majority "Ought Not to Pass" Report was accepted.

#### Non-Concurrent Matter

Bill "An Act to Authorize the Towns of Litchfield, Sabattus and Wales to form a new School Supervisory Union" (Emergency) (H. P. 611) (L. D. 748) on which the House Indefinitely Postponed the Bill and accompanying Papers on May 11, 1977.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-137) in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the House recede and concur.

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

Mr. MOODY: Mr. Speaker and Members of the House: I hope that you will vote against the motion to recede and concur. We debated this issue last week, the facts were clear, very plain. During the meantime, I have talked to the present superintendent of schools of school union 43 myself. He tells me, from the great deal of controversy that has risen over this matter, that several members of the Litchfield School Board themselves are presently against this matter.

Also, I sat down and figured out just how much this would mean to the individual taxpayers in the Town of Richmond. On the average, it would amount to approximately \$44 extra on each resident's tax bill in the Town of Richmond in the coming year. By the action we take here basically, that is what it will do if we do go along and recede and concur.

The other body's amendment to this bill takes off the emergency clause. I cannot understand why the emergency clause was ever put on there in the first place when it needs to be removed now.

Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

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

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: The emergency clause was originally put on here because we needed it July 1 if possible. The bill was held in committee for such a length of time that it is no longer possible to hire a superintendent for July 1, so we will move it over to January 1 or next July.

I had some information placed on your desks, a chart and a letter from the Department of Education, that states that it is logical that this school and the schools of the three towns which sends students to the new high school would be under the supervision of a single superintendent of schools in order that appropriate coordination of curriculum and related services could effectively occur. It is in the department's view that the towns of Litchfield, Sabattus and Wales should be permitted, along with the community school district, to form a school supervisory union.

The Department of Education concurs with our action, the committee, 10 to 3, concurs with our action, the people are very much in need of this at this time and they even went out this weekend and signed letters of support. They really need this and it is very necessary that we go from 10 supervisory positions to 3 supervisory positions in each union involved. It would be a cost saving to the state.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to mention two things. I signed the "ought to pass" report on this thing, and I have had so many comments from people, particularly in Monmouth, which is in my district, opposing it, that I am going to vote the other way.

I also talked to the Chairman of the Litchfield School Board Friday night, who is quite disturbed at an item that appeared in the Lewiston paper, a quote from a member of the other body that the primary dispute was because they disliked their superintendent. She was very upset because she said it wasn't a matter of personality of the superintendent at all, that the superintendent was doing a good job.

I also received this letter from a businessman in Monmouth that I would like to read. It is very brief: "I believe School-Union 43, under the direction of Superintendent Fairchild, has provided these four small towns with an outstanding degree of educational administration. I am certain our union is a leader as an efficient and low-cost operation."

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Moody and Mr. Bagley, I represent the Town of Litchfield, and every person that I have contacted and every person that has contacted me has been for this union. They want this school supervisory unit. They have done a good job bringing a new high school out there, and all their primary interest is in better education. I hope that you will recede and concur.

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

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I do hope you support the motion to recede and concur. It is very important. The Town of Sabattus is in two unions and we are trying to bring it together for the sake of curriculum coordination. This is like building a factory in one town which is a supervisory position in that town and your employees are in the other town — they cannot function properly.

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

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the

Town of Richmond has already voted continuously to allow the Sabattus Elementary School into this union. I just ask you not to put this unbearable hardship on us. Don't forget, put yourself in the position of the Richmond taxpayer, and by the action that we are going to take here in just about a minute, if this passes, this will add an additional \$44 onto their tax bills. Put yourself in their position. Put yourself in the position, for example, last year was the first time in the history of the Town of Richmond that we were able to get up on the state average per pupil education. As a matter of fact, two years ago, we were so poor we had to come to the legislature in emergency legislation to get an additional \$22,000 just to keep our schools open. Yet, if this bill passes, we are faced with an additional, possibly up to \$60,000, almost three times that amount that we had to come to the legislature for two years ago to keep our schools open.

I beg you to vote against the recede and concur motion so that we can vote to adhere. Please vote no.

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

Mr. LaPLANTE: Mr. Speaker and Members of the House: I hope you realize that the cost factor is not there. Everyone has had to come to the legislature because of the changes in L.D. 1994, and that is not the case in the change of the supervisory unit.

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 Livermore Falls, Mr. Lynch, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; BURNS, Bustin, Carey, Carrier, Carroll, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Gauthier, Green, Greenlaw, Hall, Henderson, Hickey, Howe, Hughes, Jackson, Jalbert, Jensen, Joyce, Kany, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, Lynch, MacEachern, Masterton, Maxwell, McHenry, McKean, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman. The Speaker.

NAY — Aloupis, Austin, Bagley, Boudreau, P.; Bunker, Byers, Carter, F.; Churchill, Connors, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Fenlason, Fowlie, Garsoe, Gillis, Goodwin, K.; Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Kane, Kelleher, Lewis, Lougee, Lunt, Mackel, Mahany, Marshall, McBreaarty, Moody, Norris, Palmer, Peltier, Perkins, Peterson, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Tarr, Teague, Whittemore.

ABSENT — Bennett, Brown, K. L.; Carter, D.; Chonko, Dudley, Gill, Goodwin, H.; Hobbins, Jacques, Kerry, LeBlanc, Littlefield, Martin, A.; Masterman, McMahon, Peakes, Strout, Stubbs, Talbot, Tarbell, Twitchell.

Yes, 80; No, 50; Absent, 21.

The SPEAKER: Eighty having voted in the affirmative and fifty having voted in the

negative, with twenty-one being absent, the motion does prevail.

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

Mr. DOW: Mr. Speaker, having voted on the prevailing side, I move we reconsider and hope you vote against me.

The SPEAKER: The gentleman from West Gardiner, Mr. Dow, moves that we reconsider our action whereby we voted to recede and concur. All those in favor will say yes; those opposed will say no.

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

#### Non-Concurrent Matter

"An Act Relating to Resident State Police Troopers" (H. P. 1493) (L. D. 1705) which was Passed to be Enacted in the House on May 12, 1977.

Comes from the Senate, Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Greenlaw of Stonington, the House voted to insist.

#### Non-Concurrent Matter

##### Later Today Assigned

"An Act to Revise the Measure of Damages Under the Unfair Trade Practices Act" (H. P. 277) (L. D. 341) which was Passed to be Enacted in the House on May 12, 1977.

Came from the Senate, failing of Passage to be Enacted in non-concurrence.

In the House:

Mr. Marshall of Millinocket moved that the House insist.

Whereupon, Mr. Sprowl of Hope moved that the House recede and concur.

Mr. Marshall of Millinocket requested a roll call vote.

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

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

On motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Sprowl of Hope to recede and concur and later today assigned.

#### Petitions, Bills and Resolves

##### Requiring Reference

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

##### Judiciary

Bill "An Act to Revise the Application and Effective Date of the Administrative Court Law" (Emergency) (H. P. 1567) (Presented by Mr. Spencer of Standish)

(Ordered Printed)

Sent up for concurrence.

##### Study Report

##### Committee on Marine Resources

Mrs. Post from the Committee on Marine Resources to which was referred the study relative to the State Management of Marine Resources, pursuant to H. P. 253 of the 108th Legislature, have had the same under consideration, and ask leave to submit its partial findings and to report that the accompanying Bill "An Act to Establish Regional Marine Resources Centers" (H. P. 1564) (L. D. 1778) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

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

#### Orders

An Expression of Legislative Sentiment (H. P. 1561) recognizing that: Nelson Bourgon, son of Mr. and Mrs. Ernest Bourgon of Farmington has achieved the high rank and distinction of Eagle Scout as a member of Boy Scout Troop No. 586.

Presented by Mr. Morton of Farmington. (Cosponsor: Senator Redmond of Somerset)

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

An Expression of Legislative Sentiment (H. P. 1562) recognizing that: Thomas Sayward, son of Mr. and Mrs. Galen Sayward of Farmington, Maine has achieved the high rank and distinction of Eagle Scout as a member of Boy Scout Troop No. 586

Presented by Mr. Morton of Farmington. (Cosponsor: Senator Redmond of Somerset)

The Order was read.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I attended a Court of Honor last night where these two boys were awarded their Eagle Scout rank. I just want to say a few words. I hope that everyone in this chamber knows that only about one percent of boys who get into scouting achieve the rank of Eagle Scout. It is estimated that it takes 4,000 hours of concentrated work to get to this position, and these two boys, and I am sure there are other boys in other towns and other troops in the state who achieve this, and they deserve our highest commendation.

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

An Expression of Legislative Sentiment (H. P. 1563) recognizing that: Harold Strout is retiring as Commander of the Department of Maine Amvets

Presented by Mr. Hobbins of Saco.

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

An Expression of Legislative Sentiment (H. P. 1566) recognizing that: Ralph Newell of Gorham, a valued and dedicated citizen of the community, has entered retirement after 20 years as Town Clerk

Presented by Mr. Quinn of Gorham.

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

An Expression of Legislative Sentiment (H. P. 1567) recognizing that: Ralph Newell of Gorham, a valued and dedicated citizen of the community, has entered retirement after 20 years as Town Clerk

Presented by Mr. Quinn of Gorham.

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

#### House Reports of Committees

##### Ought Not to Pass

Mr. Raymond from the Committee on Election Laws on Bill "An Act to Regulate the Reporting on Disputed Elections and to Regulate the Issuance of Election Certificates" (H. P. 864) (L. D. 1058) reporting "Ought Not to Pass"

Miss Aloupis from the Committee on Business Legislation on Bill "An Act to Amend the Maine Electricians' Laws" (H. P. 964) (L. D. 1161) reporting "Ought Not to Pass"

Mr. Carroll from the Committee on Transportation on Bill "An Act to Increase the Notice Fee for Renewal of Registration of Motor Vehicles by the Secretary of State" (H. P. 368) (L. D. 459) reporting "Ought Not to Pass"

Mr. Jensen from the Committee on Transportation on Bill "An Act to Provide that Owners of Expired Motor Vehicle Registrations and Inspection Stickers be Allowed a One-Month Period of Grace" (H. P. 733) (L. D. 832) reporting "Ought Not to Pass"

Mr. Plourde from the Committee on Education on Bill "An Act to Clarify the Term 'Population' for the Purposes of Apportioning the Membership of the Board of Directors of School

Administrative District #15" (H. P. 1432) (L. D. 1653) reporting "Ought Not to Pass"

Mr. Lynch from the Committee on Education on Bill "An Act to Clarify Reimbursement to Local School Systems" (H. P. 1347) (L. D. 1625) reporting "Ought Not to Pass"

Mr. McPherson from the Committee on Local and County Government on Bill "An Act to Increase Probate Filing Fees" (Emergency) (H. P. 1044) (L. D. 1271) reporting "Ought Not to Pass"

Mr. Curran from the Committee on State Government on Bill "An Act to Require an Advisory Referendum on the Equal Rights Amendment" (H. P. 779) (L. D. 933) reporting "Ought Not to Pass"

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

#### Leave to Withdraw

Mr. Elias from the Committee on Transportation on Bill "An Act Concerning Emergency Call Facilities on the Maine Turnpike" (H. P. 954) (L. D. 1148) reporting "Leave to Withdraw"

Mr. Jensen from the Committee on Transportation on Bill "An Act Concerning the Placing of Warnings on Driver's Licenses" (H. P. 955) (L. D. 1149) reporting "Leave to Withdraw"

Mrs. Boudreau from the Committee on Election Laws on Bill "An Act to Require the Use of Voting Machines in Municipalities of More than 5,000 Population" (H. P. 1029) (L. D. 1277) reporting "Leave to Withdraw"

Mr. Talbot from the Committee on Election Laws on Bill "An Act to Restrict Electin Day Political Activities Near Voter Registration Offices" (H. P. 862) (L. D. 1056) reporting "Leave to Withdraw"

Mr. Carroll from the Committee on Transportation on Bill "An Act to Revise Certain Motor Vehicle Laws" (H. P. 445) (L. D. 533) reporting "Leave to Withdraw"

Mr. Carroll from the Committee on Transportation on Bill "An Act to Require Bilingual State Highway Maps" (H. P. 791) (L. D. 938) reporting "Leave to Withdraw"

Mr. Fenlason from the Committee on Education on Bill "An Act Relating to Education of Exceptional Children Under 5 Years of Age" (H. P. 548) (L. D. 665) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Revise the Maine Electrician's Law" (H. P. 96) (L. D. 120) reporting "Leave to Withdraw"

Mr. Lunt from the Committee on Transportation on Bill "An Act to Remove the Identification of the Original License Issued to a New Driver as a Provisional License" (H. P. 342) (L. D. 433) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

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

Mrs. Berube from the Committee on Performance Audit on Bill "An Act to Require a Cost-Benefit Evaluation of Government Regulation" (H. P. 776) (L. D. 979) reporting "Ought to Pass" in New Draft" (H. P. 1565) (L. D. 1779)

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

#### Ought to Pass Printed Bill

Ms. Clark from the Committee on Business Legislation on Bill "An Act Relating to Recoupment Procedures under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act" (H. P. 514) (L. D. 632) reporting "Ought to Pass"

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

#### Consent Calendar First Day

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

(H. P. 1132) (L. D. 1350) Bill "An Act Relating to Expenditures of the Town Road Improvement Fund" — Committee on Transportation reporting "Ought to Pass"

(H. P. 206) (L. D. 265) Bill "An Act Relating to Use of Motor Vehicles in Racing Events" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-323)

(H. P. 981) (L. D. 1187) Bill "An Act Concerning Sound Media Near Voting Places on Election Day" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-324)

(H. P. 1088) (L. D. 1312) Bill "An Act Converting Hammond Plantation into the Town of Hammond" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 995) (L. D. 1184) Bill "An Act to Create the Voluntary Fish Products Inspection Program" — Committee on Marine Resources reporting "Ought to Pass" (H-331) as amended by Committee Amendment "A"

(H. P. 136) (L. D. 169) Bill "An Act Relating to Application Fees for Official Inspection Stations" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-332)

(H. P. 1220) (L. D. 1447) Bill "An Act to Define the Term Intersection" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-334)

(H. P. 656) (L. D. 799) Bill "An Act to Establish Procedures for Promulgation of Regulations Governing Travel Expense Reimbursement" — Committee on State Government reporting "Ought to Pass"

(H. P. 247) (L. D. 319) Bill "An Act to Permit Carpools Under the Public Utilities Law" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-332)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of May 17, under listing of the Second Day.

(H. P. 243) (L. D. 316) Bill "An Act Relating to the Motor Vehicle Excise Tax" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "B" (H-335)

On the objection of Mr. Wyman of Pittsfield, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "B" (H-335) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(S. P. 443) (L. D. 1533) Bill "An Act to Amend the Charter of the Ocean Park Association" Committee on Legal Affairs reporting "Ought to Pass"

(S. P. 325) (L. D. 1085) Bill "An Act Concerning Ritual Burial by Certain Religious Groups" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-132)

(S. P. 423) (L. D. 1481) Bill "An Act Establishing the Maine Student Incentive Scholarship Program" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-133)

No objection being noted, the above items

were ordered to appear on the Consent Calendar of May 17, under listing of the Second Day.

(S. P. 301) (L. D. 927) Bill "An Act Concerning the Small Claims Laws" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-131)

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-131) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Consent Calendar Second Day

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

(S. P. 375) (L. D. 1390) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with Brown Company (C. "A" S-130)

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

(H. P. 1065) (L. D. 1292) Bill "An Act to Amend and Repeal Certain Laws Relating to Agriculture" (C. "A" H-320)

On the objection of Mr. Spencer of Standish, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-320) was read by the Clerk.

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

#### Passed to Be Engrossed

Bill "An Act Providing Funds for a Fishway at the Frankfort Dam in Frankfort" (H. P. 1153) (L. D. 1371)

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

Bill "An Act to Prohibit the Assessment of Extra Charges Based on the Number of Occupants Living in a Mobile Home" (H. P. 1318) (L. D. 1549)

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

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Being a old mobile home liver-inner, which I have lived in for years, and I have lived in many parks and I know many park owners and I did have a number of calls this weekend on this particular bill.

As most of us know, the zoning laws in the majority of our communities mean that the mobile home parks are not within the community itself but outside the limits of the community, which means they have to have their own septic systems, they have their own wells, their own facilities. Now, the cost of maintenance of the park in total is dependent upon the usage of these facilities. The more water that is used in a park, the more the pump is run, and these are heavy pumps, and the cost of electricity to run these pumps increases. The heavier use on the septic system means the sooner the tanks that the system uses have to be pumped and they are pumped out by what we commonly called the honey truck, and this costs a lot of money.

Some of the parks have playgrounds for the children, although it is not mandated by law but they do have playgrounds. In my area, I know of two that do and they have to be maintained and reasonably safe because of lawsuits and so



forth. The more children that are in the park, the more chance for breakage, the more chance for vandalism, and this costs money.

Most parks use a base of a family of four, and this family of four is what they base their cost figure on. For instance, if you have a park that charges \$35 as a basic rent, he may come along and say, if you have a family of six, he will charge an extra \$10 and this is \$45 for your total costs of rent. The charges are made for those who use the facility to the greatest extent, and I think if you will stop and think about it, because of the size of a mobile home, the majority of the people who live in the mobile home and in the parks, are a smaller family. There are four, three, two and even a single man or woman. Therefore, the best way to do it would be to charge the most for those who use the facility the most and who tax the facility the most and less for those who don't tax the facility.

If this bill is allowed to pass, the parkowners will have no recourse but raise his prices to compensate for the larger families who are in the minority in the park. Now, instead of a base price of perhaps \$35, he is going to go to \$40 or even \$45, because he has to make up for the costs. This is going to make the mobile home park owner even happier because as a result of this, he can come out better off. Therefore, the single people and those who have families of four or less, are going to end up paying more, and you have to remember, these are the people who are in the majority, so they are going to be paying more.

One of the park owners put it in an interesting way to me. He says, well, does this mean later on, if I go to buy a four or five bedroom home because I have a large family, that they can't charge me any more than they can for a one bedroom home because I only have one child or no children at all? He put it rather interestingly, I believe.

In light of the information that I received this weekend, I have to move for indefinite postponement of this bill and all its accompanying papers.

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

Mr. TIERNEY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Limestone, Mr. McKean, or any other member of the House.

Like Mr. McKean, I received several phone calls this weekend from mobile home park owners objecting to this bill. The question I would like to ask is if anyone received any phone calls from mobile home park residents that were opposed to this bill?

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to any member who may care to answer.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Yes, I had two calls from mobile home park owners that live in Mobile Home Estates, which is right outside the base. One thing is easy to remember my mobile home park, there are lots of them in my area because we have a military installation and they were also concerned with this legislation. Interestingly enough, the two that called me, neither one of them have children but they are scared of the same things that I am scared of.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the motion of indefinite postponement for the simple reason that the good gentleman, Mr. McKean, in his deliberation talked about the possibility of a mobile park owner charging an extra \$10 for a family of five, and this is what they are doing presently under state law. He

also agreed with the point that the rates are based on a family of four. Well, I ask you, Mr. McKean, or any member of this House, do you know of any parks in the state that charge less if you are a family of two? There aren't any. The rates are based on four, the minority have five, the majority are under four but yet they are charged less, so I urge you not to support the pending motion.

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

A vote of the House was taken.

Whereupon, Mr. Biron of Lewiston requested a roll call.

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

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

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would certainly hope that we would not indefinitely postpone this bill. I guess my very strong feelings about mobile home parks certainly go back to the mobile park owner and who they are and how they operate, go back to my days when I was fortunate enough to serve on the Business Legislation Committee. During that time, I found the mobile home park owners came in time and again objecting to every bill which ever helped the consumer in any way. We had bills in to have minimum standards for mobile homes and they objected to that. We had bills in which would try to provide some rights for the mobile home dwellers so they didn't have to pay extra prices for gas, oil and everything else and they objected to that. It is not surprising to me that they had the phones going all weekend to individuals to say this is a bad bill.

This is a good bill. What it states is that there is nothing wrong with people having children. This is really what it comes down to.

The analogy to an apartment house is totally inappropriate and the reason that the analogy to an apartment house is inappropriate is that the mobile homes are owned by the occupants. The good gentleman's point about charging extra for the number of children who live in apartments and so on is not true. The risk, as it were, of having children, of having a family, when you own your own mobile home, even though it is in a park, falls on the owner of the mobile home, and for that purpose, you can't possibly draw a distinction and say this is the same as a bill dealing with apartment houses because it is not.

I guess the point I have to challenge most is the idea that extra children necessarily are going to put a great burden on mobile home parks. As most of you probably know, my wife and I were blessed with twins last October. If I had the misfortune of living — and I do say the misfortune of living in a mobile home park with my family, with my four children, that could have meant an extra \$20 a month under the present system immediately after they were born. I can assure you that my twins, who are now seven months old, don't drink any extra water and I can assure you even stronger that they don't put any extra burden on the sewerage system of my home and I assume they won't for a goodly period of time. Yet, \$20 a month, you figure it up, all of a sudden, we are talking about an extra \$250 and that is a lot of money in addition to

having to pay your regular rent, in addition to having to pay the finance charge on your mobile homes which, of course, are larger and higher, the interest rates are higher if you live in a mobile home than if you buy a regular home but, frankly, living in a mobile home park isn't all that fun.

You know at the very end of the Wizard of Oz, they asked Dorothy what she learned and Dorothy said, well, I guess she learned that if she ever had to go looking for her heart's desire, she didn't have to look any further than her own back yard. Well, ladies and gentlemen, I ask you to walk through a mobile home park sometime and ask you if the people who live there with children have their heart's desire found in their backyards? I think you will find that the answer is no, that the people who live there are fundamentally low-income people, they don't live there by choice, with the few rare exceptions of individuals who are connected with the service, and I know that is why Mr. McKean is involved, but most people do not live there by choice, it is a hard life.

I think this is a good bill, it is a consumer bill, it is a chance to give them a break, and I think we should go back to that resolution we passed earlier this session saying that we were going to do everything we could to keep families together. If you believe in that concept, you will vote for this bill.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: If this was a consumers bill, I would jump on the bandwagon right now and I would never have made the speech I made to start with. Anytime it is going to cost the majority of the people more than it is the minority, it is not a consumer bill — I wish that it were.

As far as the analogy of everything costing the same when you have children, I have two, and I am still trying for a dozen more, if this is a good analogy, then that means when I go to the grocery store to buy for those extra people, I should be paying the same as I did when I had just my wife and myself. I think it is a well known fact that everything goes up. The more children you have, it is going to cost you more. The only thing that is going to drop is the income tax, and thank God for that. You go to buy groceries, you buy more groceries, you go the doctor, it is going to cost you more because you have additional people. When you have your teeth checked, instead of having two people's teeth checked, you have four or five, so it is a well known fact that the more children you have, the more it is going to cost you. That is proven because it doesn't cost as much on your income tax.

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

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Brown, K. L.; Bunker, Burns, Carrier, Carter, D.; Carter, F.; Connors, Cote, Cunningham, Devoe, Dow, Dudley, Durgin, Garsoe, Gauthier, Gould, Huber, Hunter, Hutchings, Immon en, Kany, Lewis, Littlefield, Lougee, Lunt, MacEachern, Mackel, Mahany, Masterman, Masterton, Maxwell, McBreairty, McKean, Moody, Morton, Palmer, Perkins, Peterson, Rideout, Shute, Salsby, Sprowl, Stover, Stubbs, Tarbell, Teague, Torrey, Tozier, Whittemore.

NAY — Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Byers, Carey, Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Drinkwater, Dutremble, Elias, Fenlason,

Flanagan, Fowlie, Gillis, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Hughes, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kelleher, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, Lynch, Marshall, McHenry, McMahon, McPherson, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Peltier, Plourde, Post, Prescott, Quinn, Raymond, Rollins, Smith, Spencer, Talbot, Tarr, Theriault, Tierney, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bustin, Carroll, Gill, Hobbins, Kerry, LeBlanc, Martin, A.; Peakes, Strout, Twitchell.

Yes, 54; No, 87; Absent, 10.

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

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

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

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

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: There was a technical error discovered by the Committee on Bills in the Second Reading. If you will note in the L. D., Section 2, it says "the last change by public law in 1973," and we already have changed this once, so it changed to public laws of 1977. In the future, any changes made by the Committee on Bills in the Second Reading will carry that notation in the Statement of Fact so there won't be any confusion.

I would like to offer House Amendment "A" to L. D. 1209 and move its adoption.

House Amendment "A" (H-326) was read by the Clerk and adopted.

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

#### Amended Bill

Bill "An Act to Require Fire Detection Systems in All New Residential Construction" (H. P. 1086) (L. D. 1310) (C. "A" H-318)

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

#### Passed to Be Enacted Emergency Measure

An Act Relating to Foreign Trade Zones (S. P. 128) (L. D. 312) (C. "A" S-120)

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

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

Mr. TIERNEY: Mr. Speaker, I would like to have this bill explained.

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

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: This has been whizzing right through the process and I would be more than happy to explain the bill.

It merely allows a municipality within the State of Maine to apply through the Department of Transportation to become a foreign trade zone.

This being an emergency measure and a two-thirds vote of all the members elected to the

House being necessary, a total was taken. 123 voted in favor of same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

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

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. 123 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 Relating to the Payment to Provide for Waste Disposal at Mt. Ararat High School (H. P. 1484) (L. D. 1701)

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. 123 voted in favor of same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

"An Act Concerning Fees of the Board of Chiropractic Examiners" (S. P. 231) (L. D. 735) (C. "A" S-123)

"An Act Relating to Training Municipal Fire Departments, Incorporated Volunteer Fire Departments and Fire Brigades" (S. P. 362) (L. D. 1216) (C. "A" S-124)

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

#### Enactor

##### Tabled and Assigned

"An Act in Support of Regional Library Systems" (S. P. 462) (L. D. 1585) (S. "A" S-122)

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

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

Mr. STUBBS: Mr. Speaker, I move that this matter be tabled two legislative days.

Whereupon, Mr. Lynch of Livermore Falls requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Hallowell, Mr. Stubbs, that this matter be tabled pending passage to be enacted and specially assigned for Wednesday, May 18. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bagley, Bennett, Benoit, Berry, Berube, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Bunker, Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Connors, Cunningham, Curran, Devoe, Diamond, Dow, Drinkwater, Dudley, Durgin, Flanagan, Gauthier, Gould, Gray, Greenlaw, Higgins, Huber, Hughes, Hunter, Hutchings, Jacques, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, Littlefield, Lizotte, Locke, Mackel, Mahany, Marshall, Masterman, Maxwell, McKean, McMahon, McPherson, Mitchell, Moody, Na-

jarian, Nelson, N.; Norris, Palmer, Pearson, Perkins, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Smith, Spencer, Sprowl, Stover, Stubbs, Tarbell, Teague, Tierney, Torrey, Tozier, Tyndale, Valentine, Wyman.

NAY — Austin, Bachrach, Beaulieu, Birt, Brown, K. C.; Burns, Clark, Connolly, Cote, Cox, Dexter, Dutremble, Elias, Fenlason, Fowlie, Gillis, Goodwin, K.; Green, Hall, Henderson, Hickey, Howe, Immonen, Jackson, Jalbert, Jensen, LaPlante, Lewis, Lougee, Lunt, Lynch, Masterton, McBreairty, McHenry, Mills, Nadeau, Nelson, M.; Peltier, Peterson, Plourde, Talbot, Tarr, Theriault, Trafton, Whittemore, Wood.

ABSENT — Ault, Blodgett, Davies, Garsoe, Gill, Goodwin, H.; Hobbins, Kerry, LeBlanc, MacEachern, Martin, A.; Morton, Peakes, Silsby, Strout, Truman, Twitchell, Wilfong.

Yes, 86; No, 46; Absent, 18.

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

An Act to Establish 4-year Motor Vehicle Licenses for Persons under 65 Years of Age (S. P. 481) (L. D. 1743) (H. "A" H-288)

An Act to Establish an Environmental Coordination Procedure (H. P. 386) (L. D. 476) (C. "A" H-262)

An Act to Repeal the Designation of Emergency Interim Successors to Legislators (H. P. 463) (L. D. 568) (C. "A" H-274)

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

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

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 tabled and today assigned matter:

An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes (H. P. 221) (L. D. 285) (H. "A" H-270 to C. "A" H-158)

Tabled — May 12, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Enacted.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be enacted and specially assigned for Wednesday, May 18.

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-292) — Committee on Appropriations and Financial Affairs on Bill "An Act to Award Transitional Allowances to Permanent Full-Time and Limited Period Full-Time Unclassified Employees" (Emergency) (H. P. 309) (L. D. 400) — In House, Engrossment Reconsidered May 12.

Tabled — May 12, 1977 by Mrs. Najarian of Portland.

Pending — Acceptance of the Committee Report.

On Motion of Mrs. Najarian of Portland, retabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 18.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Veterans and Retire-



ment on Resolve, to Increase the Retirement Benefits of Helen B. Pearson (H. P. 1057) (L. D. 1287)

Tabled — May 12, 1977 by Mr. Theriault of Rumford.

Pending — Motion of the same gentleman to Accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Theriault of Rumford, retabled pending his motion to accept the Majority Report and specially assigned for Wednesday, May 18.

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

Senate Divided Report — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Judiciary on Bill "An Act to Limit Attorney's Fees under the Maine Tort Claims Act" (S. P. 268) (L. D. 826) In Senate, Majority "Ought Not to Pass" Report Read and Accepted.

Tabled — May 13, 1977 by Mr. Gauthier of Sanford.

Pending — Acceptance of either Report.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would accept the Minority "Ought to Pass" Report. I would like to tell you what this bill calls for. This is a bill, it is called An Act to Limit Attorneys' fees under the Maine Tort Claims Act. In action for damages permitted by this chapter for which an award of damages is made, the attorneys' fees shall not exceed: A. Fifteen percent of any award of damages, including cost, which totaled \$50,000 or over. B. Twenty five percent of any awards of damages, including costs, which totaled under \$50,000. I think this is reasonable.

Ladies and gentlemen, I signed the Minority Report, "Ought to Pass" on this bill, in order to give the House the chance to have consideration of discussing it.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope we can concentrate on the basic issue here and not maybe get a little bit off the track. I am not a lawyer on this committee and I know sometimes we run on great cycles about lawyers in these matters. I would just like to point out that if we do limit the attorneys' fees in this case and not in all the other cases where people have claims against other people, then what we are probably going to do is not really give the individual citizen an equal chance to get what is due him from the State of Maine, because what we will be doing is saying that he will have to go to attorneys which are placed under a restriction which, if that attorney were suing a big company or somebody else, they wouldn't have that restriction at all.

The thing that convinced me on this bill, primarily, is what can we do to give the citizen who is suing the state the best possible representation? I think that is what this bill does, so I hope you will defeat the "Ought not to pass" report so we can accept the majority "ought to pass."

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Another problem with this bill is the way it is drafted; the attorney gets 25 percent if the award is under \$50,000 and 15 percent if the award is over \$50,000. It creates a situation where the attorney would get more money if the award were \$40,000 than he would get if the award were \$60,000. It might create a problem where you would actually create an incentive for the lawyer not to press the amount as fully as possible. I think it may be possible to amend this bill so that some of

the problems are worked out of it, and for that reason, I suggest to Mr. Gauthier that he might move the minority report and then we could table it and see if we could resolve the problems with it.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: As it is at the present time, there are no percentages, anything can be charged. In fact, if you have read the Portland Telegram of yesterday and the Parade, I am glad that happened at that time, because I have got a piece of it right here. I would like to read it to you with your attention. "Life, Liberty and the Pursuit of Ambulances. Let's stop lawyers' contingent fee ripoffs. Some 2 million auto accidents involving personal injury take place in the U.S. Often the accident victims are so brazenly cheated — I'm not saying that all the lawyers of Maine are cheaters, I would say not, but there are some that are very expensive. Charles Skelton, former Chief Investigator for the Los Angeles District Attorney's Insurance Fraud Division described how it is done. We had this hot-shot lawyer in Los Angeles who had 50 employees, his own building, and was taking in \$4 million a year in personal injury cases. Through these ambulance chases, he got several thousand cases a year. He would tell the client he would handle him on a percentage or contingency basis. That is, the lawyer would get a third of the settlement and the client two thirds. Yet, somehow, in the typical case involving a settlement of about \$1,800, the client would end up with only \$200 to \$300. The lawyer managed this deduction, imaginary or willingly inflated expenses in one \$3,050 settlement. The client got \$285 dollars. He was finally disbarred but we know that similar practices are still going on. We recently indicted 40 other lawyers on ambulance chasing. Most of their clients were being cheated the same old way.

In Florida, where a majority investigation has been underway for some time, it was told "we turned a dozen cases where the lawyers got more money than the client in the 105 indictments against the lawyers and doctors. In 1976, Miami federal grand jury found that one of the objects of the conspiracy was to reduce payment to accident victims by deducting false and inflated medical bills and costs from the total amount of their settlement. In 1975, a California attorney, Richard Coleman, in a state survey, found 50 percent contingent fees commonplace. This, he concluded, has special potential for scandal. A 50 percent fee will allow the client less than half of total recovery, mainly because the lawyer takes his expenses out first. This isn't disputed by Robert Walsh, prominent personal injury attorney, who was also president of the San Francisco Bar Association. At Detroit, in 1975, the going rate for contingent fees was 50 percent. If the case was settled, tried or appealed, it didn't matter. Philadelphia, most recent ambulance chasers investigation reported that 34 percent of all attorneys there charge 50 percent contingent fees in many cases. The report added, the attorneys managed to get more of the settlement than did the client. The higher courts of two states have said that 50 percent fees are excessive and could not be justified professionally or socially but the vast majority of our state courts have refused to intertend."

I feel that the percentage mentioned in this bill is fair and compensates the lawyer in a fair manner. I leave it up to your consideration and I ask for the yeas and nays.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I have two questions to ask the lawyers of this House. One of them is whether there was any opposition to this bill and who are

they? Secondly, I would just like to get myself clarified on this. I think Mr. Gauthier said that there were no set fees at present. Well, I think there is and I would like the answer to that one, and if there is, I would like to know what it is compared to what is proposed over here.

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was heard before the Judiciary Committee, I was presenting a bill at another hearing, so I can't answer the first question. The second question, I believe that there is a provision in the rules that limits contingent fee arrangements to one third of the final award, but I am not absolutely certain of that.

As I said when I spoke before, I suggested to Representative Gauthier that he move the Minority Report so that we could deal with the bill at the amendment stage and that is what my intention is as far as this piece of legislation is concerned.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: If the chairman doesn't know what the fees are, I think that I might as well take a good guess at it, unless somebody tells me different. I think he is familiar with what the fees are. Let's not hedge here; let's say it as it is. I think the fees are that if it is not a court case, if it is settled out of court, they do get 25 percent and if they do have to go to court, they get 33 1/3 percent. Probably moving to accept the Minority Report and trying to get this thing tabled and straightened out, I think that might be the wise move.

I am familiar with what the bill is trying to do and I think the people here are too. I also, really, as a matter of curiosity, would like to know the answer to the first question. The fact that the chairman was somewhere else legitimately at that time, I think there are others here, there is no reason for secrecy because if we want to find out, we will find out anyway.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I am surprised. My good friend, the Chairman of Judiciary, came to me last Friday afternoon and told me that as far as he was concerned, if I was going to make the motion, he wouldn't make the motion. He is a good friend of mine, a gentleman and you couldn't ask for any better, but it is the first time that I ever heard asked that this bill be brought back to Judiciary Committee. The only thing that I was asked was if I were going to still continue to put my motion in as I did this morning.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: As a point of clarification, the reason for contingent fees and the reason that attorneys use contingent fees is that it is a calculated risk or a gamble. This is just a point of explanation of what a contingent fee is for the House. If it looks as though a case will be long and involved and involves a lot of hours, far more hours and far more work than a client can possibly pay, the attorney will take the case on a contingent basis, contingent upon winning and contingent upon receiving any money before the attorney receives any compensation whatsoever for the case. If the case is lost or if the case is even won and you can't get any money out of the loser, the losing side, the attorney receives no money, any fee whatsoever

and also the client receives nothing, so it is a calculated risk.

When we passed on the Tort Claims Act, we simply said that there would be no limits on attorneys' fees. However, in every case, the judge that hears the case has jurisdiction over the questions of attorneys' fees and can pass on that, so this isn't simply a private matter between the parties.

Also, there is another provision that might have been included in this law that was not included in this law, a provision that we put in many of our bills. That is that attorneys' fees will be paid for by the losing party, by the defendant. In many of the cases under the unfair trade practices act, for example, for consumer protection, we have inserted a provision that will pay attorneys' fees by the losing party, by the defendant who broke the law. We didn't do that here in this bill under the original tort claims act. We have left it between the private party, the attorney and his client. If we start to tinker with it for various reasons, we might consider a reasonable attorneys' fees provision as we have included in other bills.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: It is an interesting debate today, but there is no opposition. We are for the motion, the people making the motion are for the motion and we are having a lovely discussion, but I wish we would save it for second reading and I hope you will vote for the motion to accept the Minority "Ought to Pass" Report.

Mr. Gauthier of Sanford withdrew his request for a roll call vote.

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

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

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

Tabled — May 13, 1977 by Mr. Morton of Farmington.

Pending — Motion of Mrs. Najarian from Portland to Indefinitely Postpone Bill and all Accompanying Papers.

Mr. Laffin of Westbrook requested a roll call vote.

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

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

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate having this tabled last Friday when I wasn't here. I would like to speak briefly in defense of this bill. It got a unanimous "ought to pass" from the Taxation Committee. It is a simple bill. It just says to increase exemption of farm machinery from \$5,000 to \$10,000. That means machinery used exclusively in the production of hay and field crops and it excludes motor vehicles and all self-propelled motor vehicles or motor machinery. This is strictly a local issue, it is the assessment valuation on each individual community. Just a few figures in regard to three places that I checked on this weekend. In my hometown of Poland, it would only affect five farmers. It would mean an exemption or loss of taxable income of \$1,000. In a town where there is a total commitment of \$600,000, it is a very small percentage. The town

of Turner, it would mean a loss of \$2,500 on a \$500,000 commitment. The city of Auburn has extensive land areas, it has quite a few farmers, it would reduce their local loss of revenue \$4,000 from a \$6,000,000 commitment.

Farm machines have become much larger and more sophisticated over the years and with inflation, it has raised prices of all farm machinery up to three times the level that it was five years ago. Most active farmers replace some farm machinery item every five to seven years. A modest farm operation with a total of \$20,000 machinery valuation last year would have a taxable valuation now of \$15,000. Next year, it is very likely that if he just purchases one new piece of equipment, that total value could easily be \$25,000. If this exemption should go into effect of \$10,000, his net tax valuation would still be \$15,000.

This is a proposal that would give local assessors a legal procedure to reduce inequities in valuation. Farm machinery is providing a very expanding tax base with its increased costs and so forth, it is increasing the value of farm machinery all along. This is an item that gives more benefits to the smaller farms, the family type farms, than it does a large one. A large farm that might have a \$100,000 valuation, you can realize that this would be a small percentage of relief to him. So, where it is valuable to farmers and it just will be negligible in its impact at the local level, I urge that you do not indefinitely postpone this bill.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I indefinitely postponed this amendment because it costs a million dollars each year of the biennium to the municipalities. If the legislature determines that the farmers need some kind of a tax break, then I think we ought to do it with the sales tax so that it will be a loss of revenue to the state and not to the municipalities. There is a bill on our tabled and specially assigned calendar that will be dealing with the sales exemption on farm machinery tomorrow. That is a 5 percent reduction on farm machinery of the sales tax. That can be reduced by 2 percent, and that would be the equivalent amount of about a million dollars from the loss of revenue to the general fund, which is about the same as this bill is a loss of revenue to the municipalities.

The state has many sources of raising taxes — the sales tax, personal income tax, insurance fees and tree growth tax, etc. The municipalities only have one means of raising taxes, and that is through the property tax. We just really have to be careful about granting these exemptions over an over because it doesn't hurt our budget any but it is going to certainly hurt a lot of the towns.

I am also told by a member from Aroostook County that this is more of a benefit to large farmers than to small farmers because I guess small farmers can buy their farm machinery from several different towns and take a \$10,000 exemption from many different municipalities. So I hope you will consider those issues when you are voting on the motion.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Because of the assessment practices that are getting in today, the fact that more and more towns are revaluing, the farmer is the one who is basically getting it in the neck. His farm products, obviously, aren't going up. He basically is taking care of his own needs.

The sales tax that Mrs. Najarian from Portland mentioned is a one-time item and therefore would not help the farmer on a sustaining basis. The fact that she talks about the large farmer with a lot of equipment, I don't

know how much a lot of equipment is, but the exemption goes from \$5,000 to \$10,000, so he would not be in a position to help himself too much. There is only a \$5,000 added exemption there. The fact that he may be shifting from town to town obviously is a problem that is going to have to be controlled with the local assessors, they are the ones that fix the rates. I doubt very much that whoever spoke to Mrs. Najarian from Aroostook County knew exactly what he was saying, if, in fact, the gentle lady understood the gentleman correctly.

I would hope you do not vote to indefinitely postpone this thing. We have had exemptions for others coming down the pike. We have had our inventory tax as municipalities, we have done nothing at all for that small guy back on the farm who is going to have to make up the difference in the fact that we in the larger municipalities are getting our reimbursement in the inventories. And to check to see how the farm machinery thing was affecting Portland this morning, I called the assessor's office, and I find that they don't tax farm machinery at all if, in fact, they have any.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the chairman of the Taxation Committee. Do I understand the bill, that it will exempt up to \$10,000 for each owner of equipment and, if so, would it be incentive for the medium size farmer to have himself and his wife and other relatives own separate pieces of equipment to get more of a deduction?

The SPEAKER: The gentleman from Bangor, Mr. Henderson, 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: In answer to the gentleman from Bangor, Mr. Henderson, I can understand what he is saying in that the husband may be with the farm tractor, the wife may be left the manure spreader and what have you, but those things obviously could happen, they could happen today.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I am glad that Representative Carey pointed out that this is no loss of revenue to Portland, so you can see that I am not always only concerned with Portland, I am concerned with the other municipalities of the state. I noted the gentleman from Poland, a few weeks ago when we were debating the bill on providing secondary transportation for high school students, said that his town opposed that because it would cost them more on their taxes. A similar amount, I would presume, to this is going to cost the same town a loss of revenue for the exemption of farm machinery.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: Speaking as a Representative from Gorham and not as Assistant Majority Leader, and speaking for a town at least in part who is affected by this, I assure you that we in Gorham would be very glad to lose the tax income that this represents to the town. Our agriculture is in a critical shape across the state. It is one of the last of the things that we should be hurting in any way. We should encourage it in every way we can. In Gorham, we're not permitted to give tax exemptions unless the state lets us do it, and we would look forward with great interest to the passage of this bill.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Speaking for the farmers in Gorham who pay their taxes to Mr. Quinn's part of Gorham, I can assure you that our part of Gorham would be delighted to see them lose the revenue.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: In light of some of the recent debate, I do have a memo this morning that said that back in 1970, in the Legislative Record statement, this bill, I guess perhaps it was debated then, either to enact the present law that we have \$5,000 or perhaps an attempt was made to increase it, but in that debate, an assessor made the statement that an exemption would only be granted in one town. In case a farmer or operator had machinery in more than one town, the exemption would only apply to a single unit, the same as a veterans exemption applies today. A person who owns property in more than one town, the exemption is only good in one area.

Just to reply to the good lady from Portland, Mrs. Najarian, I did make the statement when we were talking about the education transportation about the cost to our town. I am not sincerely opposed to the cost of the transportation. We may get into that later if that bill comes back to us, but my thought was and my feeling is that in no way should we be mandating what the Highway or Education or other departments might have to do at a local level to increase their costs of services, that should be left at that level.

I just have to agree with the other speakers that are for this proposal. I think it is not an actual loss of income. You might look at it as a potential loss, but as I stated earlier, I am sure that if you look at the valuation figures in the next two years, any of these municipalities that have farm machinery, their total tax income or taxable valuation, even with a \$10,000 exemption, will be greater than it is today.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Due to the fact that I am one of four partners in all the Woodfarms Inc., I would like to be excused from voting.

The SPEAKER: The Chair would allow the gentleman from Limerick, Mr. Carroll, pursuant to House Rule 19, to be excused from voting.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: In many of my towns, the only thing that we tax anyway are the tractors or the haybalers. The rest of the machinery is optional to the town. I would hesitate in wanting to see this passed because the town has the right to tax even down to a wheelbarrow if they need the money. For that purpose alone, I would not want to see them have that right. If they need the money, I think that is a local issue.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Portland, Mrs. Najarian, 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.

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

Ms. CLARK: Mr. Speaker, I request that I be allowed to pair with Representative McKean from Limestone. If he were here, he would be voting no and I would be voting yes.

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

Mr. CURRAN: Mr. Speaker, I request to pair my vote with the gentleman from Mapleton, Mr.

Rideout. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, I assume I could be excused from voting on this from the answer you gave Mr. Carroll.

The SPEAKER: The Chair would answer in the affirmative.

#### ROLL CALL

YEA — Benoit, Dutremble, Fenlason, Gauthier, Goodwin, H.; Hall, Henderson, Huber, Jensen, Joyce, Kany, Marshall, Masterton, Najarian, Peltier, Prescott, Raymond, Stover, Talbot, Truman, Whittemore.

NAY — Alopis, Austin, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Byers, Carey, Carrier, Carter, F.; Chonko, Churchill, Connors, Connolly, Cote, Cox, Cunningham, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Elias, Flanagan, Fowlie, Garsoe, Gillis, Goodwin, K.; Gould, Gray, Green, Greenlaw, Hickey, Higgins, Hobbins, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Masterman, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Perkins, Plourde, Post, Quinn, Rollins, Shute, Smith, Spencer, Sprowl, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Ault, Carter, D.; Davies, Devoe, Gill, Kane, Kerry, LeBlanc, Martin, A.; Peakes, Peterson, Silsby, Strout.

PAIRED — Clark, Curran, McKean, Rideout.

EXCUSED — Carroll, Mahany.

Yes, 21; No, 111; Absent, 13; Paired, 4; Excused, 2.

The SPEAKER: Twenty-one having voted in the affirmative and one hundred eleven in the negative, with thirteen being absent, four paired and two excused, the motion does not prevail.

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

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

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)

Tabled — May 13, 1977 by Mr. Mahany of Easton.

Pending — Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the seventh 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 13, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Kelleher of Bangor to Reconsider Action Whereby Bill Failed Engrossment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to first thank the gentleman tabling this bill for me on Friday. The September primary bill that is before you today is not something new. There are 26 states in this nation that have primaries

after August 1st. There are states in New England that have them in September — Connecticut, Massachusetts and New Hampshire.

This bill that is before you today is a redraft of a bill I submitted to the Election Laws Committee. It had the support there, I might say, of the Secretary of State because, in fact, he and I worked together on the redraft of this particular document. The bill itself, if you take time to look at it, in my opinion, would shorten the electoral process that we have now in this state to the betterment of the people of this state. For example, you and I or some other interested party, in seeking holding office in this wonderful body, is planning to run, he or she would be in a position to announce his or her candidacy in January, file the nomination papers in April and the primary, as it is now, would be in June. It would subject the candidate but particularly the voters to about six months, in my opinion, of a prolonged campaign, which is not necessary. The people of the State of Maine, or a number of people that I have talked to in the state, have indicated to me strong verbal support in shortening the electoral process and it is not to a disadvantage to anyone with the exception that it would save, I believe, a considerable amount of money for the candidates and it would also save a long boring process for the voters.

Candidates running for office, whether it be the Senate or the House, in their respective communities, are people that are not unknown. To get elected, you have to be known in your area and have to have a program and a policy that subscribes to the voters for your support.

This bill is well drafted, it has mechanisms in it for recounts, in my opinion it would present the voters to be better informed simply because we would be concentrating in an 8 week period, your candidacy or mine or some other candidates position on a number of issues. Right now, we are running from January to June, those of us who survive the primaries are running from June until November.

There was some question raised that because of inter-fighting in political parties, that the wounds could not be healed of candidates and I am not sure that this is a valid argument. I think that candidates themselves and their respective parties can put their issues across without running from January until November. There are safeguards in here for recounts, for inspections, to protect the independent candidates as well as the party candidates and I would urge this House to reconsider its action whereby this bill failed engrossment and keep the bill alive.

There have been some members in the House who have indicated to me because of the primary bill, the presidential primary bill, they are having problems with it and I would hope just hopefully ask that you would keep this bill alive to see, in fact, what happens to the primary bill.

I would urge that you support my motion to reconsider.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I was one of three people who put in similar bills in the 107th Legislature. The biggest fault found with it, it came from the Secretary of State's office, because of the fear that there wouldn't be time for recount. That appears to have been taken care of now and the Secretary of State is perfectly willing to have this.

I would also like to remind you that near as I can figure from studying the history of Maine, when we had our election in September, the first of the nation, so that we could brag about that thing "as Maine goes, so goes the Nation." The primary was the same time it is now. When the election was changed to correspond with all

of the other states, we just simply forgot to change the date of the primary so I hope you will go along with this motion to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: There is a minor problem with this bill, that being that if you are not an incumbent and are not well known and that is the case many times, then you are at a definite disadvantage. I speak from personal experience, having moved in a town just a short time ago and have to overcome no one knowing who you are and if you have just eight weeks, that is a very short time to accomplish this so I hope you will take this into consideration. We are all incumbents here and I know that that is something we hope to cherish but still, there are good people out there who want to be running and will be running and I think to make it fair, they will need more than 8 weeks to make it an equal contest.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the house: I signed the "Ought Not to Pass" out of Election Laws on this bill and I think, basically, Mr. Kelleher's intentions are very good but I think the assumption behind the bill is that the campaign time would be shortened and I would hypothesize that if the primary were in September and I was involved in a tough primary fight with someone within my own party, that I might start in February or March and therefore, I think the present process now where we might campaign three months in the spring for a June primary, then take most of the summer off and start in around Labor Day, that is about five months total. I think under this plan here, two people involved in a tough primary might start in February, March, April and you still have six or seven months, only it would be continuous campaigning.

I also agree with Mr. Diamond that it is a pro incumbents bill. The incumbent who is either unchallenged or who is so strong because of incumbency and he is sure he is going to win a September primary, it is very difficult for someone who is an unknown to win a September primary and be successful in November. If you take a case where candidates run state-wide, I think it is going to be very difficult for a member of any party who wins in September, the first Thursday after Labor Day, to raise enough money and be able to project a very different image, a different perspective on an issue that he or she might have to project if he or she was running as a Democrat or Republican in a primary, his perspective on issues would be very different than the perspective he or she would have to adopt in a general election against someone of the other party. I would think it would be very difficult for someone who won on the first Thursday after Labor Day, to be able to get out state-wide raise money and to get TV organized and all this so basically, because of those kinds of reasons and I think also because I don't believe it is going to shorten campaigns, I signed the "Ought Not to Pass."

I think another thing which is very bad about this bill is that Maine being the state that we are a lot of people in the state in the summer spend their time campaigning and I know around Waterville, in the summertime, people are out at Belgrade Lakes, China Lake and they don't want to be bothered by politicians coming to look for votes and I just think the primary is fine where it is now, at the beginning of June.

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

Mr. HOWE: Mr. Speaker and Members of the House: I would like to support the previous two speakers who have really said it all, as far as I am concerned. I would call this bill an incum-

bents delight or perhaps a rich man's delight and I hope we vote not to reconsider it.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not vote to reconsider. I think if you look at the bill and I will just read a portion to you and save you a lot of trouble and time so don't bother to look at the bill.

This bill actually gives dictatorial powers to the Secretary of State and if this bill is going to work at all or a September primary is going to work at all, it has to do just that. If later on you do want to read the bill, look on Page 6, Paragraph 12 and that is where the legislature says to the Secretary of State, you may now institute any procedure or make any change necessary to facilitate the completion of any ballot collection, vote tabulation, inspection, recounts, ballot printing or any other aspect of the election process to insure the timely preparation and success of the general election.

If it is an incumbents delight, it must surely be the Secretary of State's delight because I don't know of anybody in state government that has that kind of power.

I have a lot of objections to the bill but I guess most of them have been pretty well stated and I think the vote we had on the bill the other day was a pretty good indication of what ought to happen to it and I hope that you won't reconsider this matter.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Item 12, which Mr. Berry referred to, deals with recounts for primary election and he failed to, I believe, to read the first sentence of the section: it says, "notwithstanding any provision of Maine law, the Secretary of State shall be empowered to hire any personnel" to do exactly what he described and that is dealing with recounts. I don't believe that that gives him dictatorial power, I think it gives him an opportunity to put an efficient program through if, in fact, he finds it necessary to hire additional people because of recounts.

I take issue with the gentleman's remarks. I think it is out of context with the intention of this bill and with that provision in it. If he would like to read it, I would be more than glad to pass him over the bill and he can read it in its entirety.

The SPEAKER: The pending question before the House is the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action whereby it failed engrossment. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Kelleher of Bangor requested a roll call.

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

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

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

Mr. GREEN: Mr. Speaker, Ladies and Gentlemen of the House: I have heard some interesting comments in regards to this bill today and I rise to support the motion of the good gentleman from Bangor and that is to reconsider and I would like to give you a couple of reasons why.

First of all, I am amazed at the comments made by the Freshmen members of this body who call this the incumbents bill. I love competition as much as the next person but it ab-

solutely amazes me that being Freshmen they are looking forward so greatly to coming back again in another year and a half or so whenever we have the election.

I would like to say that there were a couple of arguments brought up by the good gentleman from Waterville, Mr. Boudreau with regards to the fact that this bill would prohibit or somehow limit, I guess if I heard him correctly that he said it would not stop campaigning, it would cut down on the length of the campaign, the money spent, the hours spent campaigning and then he uses that as an argument for voting against reconsideration and I would simply state that there is nothing in this bill which, in my opinion, would help cut down on the time. There is nothing that prohibits a candidate or a potential candidate from campaigning or soliciting support in a community. What this bill does, in my opinion, is it makes it somewhat easier on the incumbent, there is no question because of the time, September is a lot closer to November than June, obviously, but if I am a potential candidate and I want to start in February, I will start in February or January or March or whenever I want. As I see this bill, it is an attempt at a long needed reform within the electoral process, I think if candidates haven't done their homework by September then there is nothing in the summer months that is going to enable them to do it any better.

The good gentleman from Waterville also mentioned the fact that people don't like to be bothered by politicians soliciting support, particularly in the summer months when they perhaps might be vacationing. My only comment to that would be that another good reason for having a September primary might be just that fact, that a lot of the intense campaigning doesn't take place until the Fall anyway and I am amazed at why people are afraid of this bill. They are calling it the incumbent piece of pie. We are establishing a monopoly on the electoral process by establishing a September primary, we will prohibit newcomers from gaining exposure. I started campaigning for the legislature, I am a Freshman, this is my first term, long before my petitions were filed, long before my signatures were in, long before I had money, I started, because I wanted to win, obviously, and I would just like to say that I see absolutely no reason with establishing a September primary so that the voters will perhaps have the issues better in their minds when it comes time for election time and that the candidates themselves and the potential candidates have an opportunity to express those issues as well.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that we reconsider our action whereby this Bill failed engrossment. A roll call has been ordered. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bagley, Beaulieu, Benoit, Berube, Blodgett, Boudreau, A.; Brown, K. L.; Carrier, Carter, D.; Clark, Connors, Connolly, Dexter, Drinkwater, Fenlason, Flanagan, Garsoe, Gauthier, Goodwin, H.; Gould, Green, Higgins, Hobbins, Hughes, Hutchings, Immonen, Jacques, Joyce, Kany, Kelleher, Kilcoyne, Laffin, Littlefield, Locke, Lougee, Lynch, Mahany, McHenry, McMahon, Moody, Nadeau, Najarian, Nelson, M.; Peterson, Prescott, Rollins, Talbot, Torrey, Tozier, Truman, Valentine, Wood.

NAY — Aloupis, Austin, Bachrach, Bennett, Berry, Biron, Birt, Boudreau, P.; Brejerman, Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Carter, F.; Chonko, Churchill, Cote, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Dow, Dudley, Durgin, Dutremble, Elias, Fowlie, Gillis, Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hickey, Howe, Huber,



Hunter, Jackson, Jensen, Kane, LaPlante, Lewis, Lizotte, Lunt, MacEachern, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreairey, McPherson, Mitchell, Morton, Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Post, Quinn, Raymond, Rideout, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Trafton, Twitchell, Tyndale, Whittemore, Wilfong, Wyman.

ABSENT — Carroll, Gill, Jalbert, Kerry, LeBlanc, Martin, A.; McKean, Mills, Norris, Plourde, Spencer, Strout.

Yes, 53; No, 85; Absent, 12.

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

Sent to the Senate.

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

Mr. TORREY: Mr. Speaker, having voted on the prevailing side on Bill "An Act Exempting Farm Machinery from the Personal Property Tax" (H. P. 393) (L. D. 482) I now move that we reconsider our action whereby this bill was passed to be engrossed.

The SPEAKER: The gentleman from Poland, Mr. Torrey, having voted on the prevailing side, now moves that the House reconsider its action on L. D. 482 whereby this bill was passed to be engrossed. Those in favor will vote yes; those opposed will vote no.

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

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

Bill, "An Act to Clarify Vocational Education Reimbursement in Vocational Centers and Vocational Regions" (Emergency) (H. P. 98) (L. D. 122) In House, Engrossment as Amended by House Amendment "A" (H-317) Reconsidered on May 13.

Tabled — May 13, 1977 by Mr. Garsoe of Cumberland.

Pending — Motion of Mr. Mackel of Wells to Indefinitely Postpone Bill and all Accompanying Papers.

Mr. Lynch of Livermore Falls offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-328) was read by the Clerk.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: So that you will know what I am doing, House Amendment "A" said the act shall take effect July 1, 1978; House Amendment "C" says the purpose of this amendment is to clarify that the act will become effective for cost reporting purposes on July 1, 1977 but for subsidy distribution purposes, on July 1, 1978.

Whereon House Amendment "C" was adopted.

On motion of Mr. Lynch of Livermore Falls, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" was adopted.

On further motion of the same gentleman, under suspension of the rules, the House indefinitely postpone House Amendment "A".

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: It is not clear to me in looking at this House Amendment "C" exactly what it does do and I just wanted to ask the gentleman from Livermore Falls, Mr. Lynch, if there is to be a fiscal note attached to this amendment?

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, poses a question through the Chair to the gentleman from Liver-

more Falls, Mr. Lynch, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: No, because all it does is put the cost reporting purposes on for July 1, 1977 so school units will report their costs for the following year. It does not affect this year's school funding. The subsidy will be distributed in the next fiscal year, not this coming fiscal year.

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

Mr. BURNS: Mr. Speaker, a question through the Chair? Does this still include the fact that next year \$18 will be taken from each secondary student and placed in the Regional Vocational area?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The \$18 figure that was on there was for the year starting July 1, 1977 and that is no longer on there. There will be no need of it for the year 1978 because we have time to adjust the school funding.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I presume that my motion to indefinitely postpone still stands.

The SPEAKER: The Chair would answer in the negative.

Mr. MACKEL: Mr. Speaker, then I would move indefinite postponement of L.D. 122 and all its accompanying papers and I would like to speak to my motion.

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

The gentleman may proceed.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: The reason, actually, that I moved that this L.D. 122 be indefinitely postponed is because of the fiscal implications. The questions were raised in here during the course of the discussion on the various amendments relative to the \$18 and whether or not there should be a fiscal note and so on. The point is that there are fiscal implications. The only difference now being that we are putting off the fiscal problems another year. That is, the fiscal problems would arise for the year beginning in July of 1978 as opposed to July of 1977, which was the original date written. The problem is caused by the redefinition of vocational education which would add to the cost of education.

If you recall Committee Amendment "A" to this bill, there was a price tag of \$1.7 million on that particular amendment. Although the amendment was not placed on the bill and the effective date of this bill was changed to July of 1978 for subsidy distribution purposes, the problem still remains, and the fact remains that the increase in cost is still there, whether it be \$1.7 million or more. So what I am suggesting is that we not pass this bill, that we show some restraint and indefinitely postpone this bill, because we are adding to the cost of education. Whether it be for the fiscal year 1978 or fiscal year 1979, the fact remains that by changing the definition of vocational education, we are in fact adding, at this point, an unknown amount of dollars to the overall cost of education. I would think it would be something in excess of \$1.7 million so that this \$1.7 million would either have to be added to the total cost of education or would be provided from the per pupil allocation at the secondary level. That is, an amount, perhaps \$18 per secondary pupil, would be transferred to the vocational educa-

tion program. This would, of course, involve a rather substantial reduction and one which I don't think can be tolerated. I hope that you will support the motion to indefinitely postpone.

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 ask the gentleman from Wells a question. Since vocational costs under present law can include only those items that are unique to the vocational courses being offered, will the gentleman tell how vocational schools are funded, how they are carrying out their programs? There are expenditures; they are meeting them. This will simply allow the local units to appropriate their priorities in a different manner.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I don't really think that I can answer that question adequately. I believe Mr. Lynch could do it better than I. If I recall correctly, the definition of vocational education was changed previously in order to bring a handle on school expenditures. It was an attempt to reduce the amount of money that was spent on vocational education as we attempted to reduce the funds that were spent on other programs within education.

This definition exists today. That is, the existing definition which is on the books today is one which the vocational education programs have been functioning under. I suppose the question would be better directed to the Commissioner of Education. How is he funding these programs under the current law? I think that would provide us the same answer, the same solution would be applied in years ahead.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Wells, Mr. Mackel, 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.

A vote of the House was taken.

30 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

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

On motion of Mr. Biron of Lewiston, the House reconsidered its action whereby Bill "An Act to Exempt the Literacy Volunteers of the Pine Tree State from the Sales Tax," House Paper 537, L.D. 652, was passed to be enacted.

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

Mr. BIRON: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and would speak to my motion.

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

The gentleman may proceed.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: If you are familiar with this L.D. 652, it is a bill which will exempt a non-profit organization in this state from sales tax. Looking at the amendment on this bill, you will find that it is not a tremendous amount of money. My concern with this legislation is the precedent that has already been set by this body in the past and is continuing. We as a legislature cannot continue to give tax exemptions to different groups and organizations, and this is exactly what this legislation is doing. It is not a tremendous amount of money; yet, we need to stop it and stop it now. This is why I object to this legislation and I hope you will sup-

port the motion to indefinitely postpone and I ask for a division.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I do agree with Mr. Biron, that probably we shouldn't have so many tax exemptions; however, we do. We exempt so many organizations that this is a bill that I put in because I am a member of the Literacy Volunteers of the Pine Tree State. As he said, the amount of money is very small. It would cost the state a maximum of \$200. The reason that we are asking for this exemption from the sales tax for materials that are purchased for this project is that it would save a little bit of money.

In order to be a volunteer, you have to pay \$10. I paid \$10 in order to be a volunteer. All of the volunteers have to pay for the course. Literacy Volunteers is really very proud of the fact that the volunteers are willing to make this financial commitment. What the bill would do would be to make it a little easier for a volunteer to buy an extra paperback in order to teach the pupils. Right now, the volunteers pay to take the course, they give the course for nothing and they buy materials for their pupils out of their own pockets. This would help, to give them a tax exemption from some of these materials.

When you consider the cost of education in this state, \$290 million-plus per year, I don't see how we can refuse to grant this group this exemption. We figure that it costs \$50 per year per pupil to teach people who cannot read. This is adults and people who are out of school who cannot read. That is a little less than a dollar a week, and I don't see how anybody anywhere could get a better buy than that. We are doing a tremendous job. I think if any of you check in some of your areas, you will find that there are many people who can't read at all who have been taught to read through a literacy volunteer. Also, we have people who cannot speak English and we have a special program called "English as a Second Language" and we are teaching those people too, and the results are excellent.

I certainly hope that you will let this bill go on its way. It will go on the Appropriations Table anyway and it will have to take its chances with the other bills that are there, but I think it is as deserving as anything that we have had in this legislature.

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

A vote of the House was taken.

21 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

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

The Chair laid before the House the following matter:

Bill "An Act to Revise the Measure of Damages Under the Unfair Trade Practices Act" (H. P. 277) (L. D. 341) which was tabled earlier in the day and later today assigned.

On motion of Mr. Palmer of Nobleboro, retabled pending the motion of Mr. Sprowl of Hope that the House recede and concur and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Jackson of Yarmouth, Adjourned until nine o'clock tomorrow morning.