

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

HOUSE

Thursday, May 26, 1977

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

Prayer by the Reverend Leopold Huot of St. Francis Xavier Catholic Church, Winthrop.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
THE SENATE OF MAINE
AUGUSTA

May 25, 1977

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

The Senate today Adhered to its action whereby it accepted the 'Ought Not to Pass' Report on Bill, "An Act to Provide that Voter Registration Forms Include a Warning Concerning Knowingly Supplying False Information" (H. P. 747) (L. D. 952).

The Senate today also Adhered to its action whereby it accept the 'Ought Not to Pass' Report on Bill, "An Act to Require Fire Detection Systems in All New Residential Construction" (H. P. 1086) (L. D. 1310).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate.

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

May 25, 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 Provide for Exemption of Farm Supplies from the Sales Tax" (H. P. 538) (L. D. 653).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees
Ought Not to Pass

Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act Concerning a Referendum under the Maine Sanitary District Enabling Act" (S. P. 364) (L. D. 1226)

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

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act Relating to the Definition of Deed under the Real Estate Transfer Laws" (S. P. 327) (L. D. 1086) reporting "Ought to Pass" in New Draft (S. P. 510) (L. D. 1797)

Report of the Committee on Judiciary on Resolve, Authorizing Alban E. Cyr Sr., and Cyr Brothers Meatpacking, Inc., and Cyr Food, Inc. of Caribou to Bring Civil Action Against an Agency of the State of Maine (S. P. 328) (L. D. 1087) reporting "Ought to Pass" in New Draft (S. P. 511) (L. D. 1798)

Came from the Senate with the Reports read and accepted and the New Drafts passed to be engrossed.

Reports were read and accepted, the New

Drafts read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Permit Snowmobiling on the Entrance Road of Baxter State Park" (S. P. 404) (L. D. 1387)

Report was signed by the following members:

Mr. TROTZKY of Penobscot
— of the Senate.

Mr. HALL of Sangerville
Mrs. HUBER of Falmouth.
Messrs. DEXTER of Kingfield
WILFONG of Stow
HUNTER of Benton
Ms. BENOIT of South Portland
Messrs. GREEN of Auburn
BLODGETT of Waldoboro

— of the House.

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

Report was signed by the following members:

Messrs. O'LEARY of Oxford
REDMOND of Somerset
— of the Senate.

Miss BROWN of Bethel
— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted. In the House: Reports were read.

Mr. Blodgett of Waldoboro moved that the Majority "Ought Not to Pass" Report be accepted in concurrence.

Whereupon, Mr. MacEachern of Lincoln 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 Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker and Members of the House: I would urge you to vote against the pending motion so that we can vote for the "Ought to Pass."

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to accept the Majority "Ought Not to Pass" Report in this case. We had a very good hearing and the committee, as you can see, was overwhelmingly in support of the report against allowing these snow travellers in this particular area.

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

Mr. MARSHALL: Mr. Speaker, I would address a question to Mr. Blodgett. Could he tell me, during the course of the presentation of this bill at the hearing, has there ever been snowmobiles on the entrance roads to Baxter State Park?

The SPEAKER: The gentleman from Millinocket, Mr. Marshall, has posed a question through the Chair to the gentleman from Waldoboro, Mr. Blodgett, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BLODGETT: Mr. Speaker, in response to the question, yes, apparently three has been. Back in the sixties there were some which were allowed, but the Park Commission subsequently stopped the action, which obviously is the reason for the bill.

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

Mr. MARSHALL: Mr. Speaker and Members of the House: In your consideration of this matter, I would request that you take into mind the political implications that have been brought into this sensitive issue over the last few years. We have had snowmobiles at Baxter State Park. I see no fault in them; I don't own one and I don't operate one, but I certainly feel that we have had them in the past. It is a good recreational facility. It doesn't allow for snowmobiles in the park, just on the accessory roads, and I urge you to vote against the "Ought Not to Pass."

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: I would urge you to accept the Majority "Ought Not to Pass" Report. In my opinion, this is not an issue that concerns allowing snowmobiles to go into Baxter State Park or not to allow snowmobiles to go into Baxter State Park; it is not a policy issue like that.

What it is is an issue on whether or not we as a legislative body want to try to break into a trust. The Attorney General's Office has made a ruling, and they are our attorneys and that doesn't mean that we cannot overturn their ruling, but they have made a ruling that the Baxter trust would be violated if the snowmobiles were allowed to go back into Baxter State Park, even on the perimeter roads, because the last correspondence from Governor Baxter said that he was violently opposed to allowing snowmobiles in Baxter State Park. What we could be doing by trying to overturn that ruling and trying to go against the wishes of the man who left a large piece of land to the state for it to be forever wild, if we break that trust, we could stand to lose Baxter State Park. I personally don't feel that for the 40 miles of perimeter road, why it isn't a good idea to let the snowmobiles drive on that road. I personally can't understand why it isn't a good idea.

But I, for one committee member and one member of the legislature, am not going to cast a vote that could violate the trust that Governor Baxter has set up for the state. When that trust was taken on by the state as a responsibility of the state, the state said they would not violate that trust. In the trust it says that if the state does violate it, then the land will revert back to the Baxter heirs. I don't think that this bill has any place before this legislature, because in my opinion, it is trying to circumvent the will, and I for one will never participate in trying to circumvent any man or woman's will, especially this one where the state could take the chance of losing Baxter State Park.

I don't think that you want to make the decision on whether or not the snowmobiles should be allowed to go into Baxter State Park or not, that is a different matter than what this bill is discussing; it is an entirely different matter.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I have had the privilege of knowing Jack Baxter for many many years, and it is my understanding, in the testimony that he gave that day, that he has been entrusted with looking after the park ever since his uncle died. The testimony that he gave then, knowing the man as I have known him for many many years because I have done a lot of business with him in the past 30 years, he said then that it was not the intent of his uncle to have any vehicles, with the exception of automobiles, only through the privilege of the fire park commissioners to use snow travellers in the park. So with that, I would hope that you would go along with the Majority "Ought Not to Pass."

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

Mr. DOW: Mr. Speaker, I would like to pose a question. Wasn't Governor Baxter alive at the

time that they were using snowmobiles in the park?

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

The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, yes, Governor Baxter was alive when there were snowmobiles in the park, he was at a very old age at the time and there is some question as to whether or not he really knew whether they were running around in the park or not. The point is, are we going to go on the evidence that is clearly before us, which is a letter from Governor Baxter to the Park Authority in which he says that he absolutely wants no snowmobiles in the Baxter State Park, with the exception of snowmobiles for the park people to use in case of an emergency. That is what he says in his last correspondence. That is what is on the record. He may have known about it; he may not have known about it, but we can't know that. How are we going to know what that man knew or thought about the snowmobiles in the last days of his life? We don't know, but we do know what he has got on record, what he has written to the Baxter State Park Authority, and that is very clear.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I also signed the Majority "Ought Not to Pass" Report on this bill and I would like to give you a few reasons why. The gentleman from Stow, Mr. Wilfong, pointed out my feelings pretty well, and that is, do we as a legislature want to place ourselves in the position of circumventing a state park authority that we ourselves set up some years ago? This, to me, was the real issue.

I would just like to refresh your memories a little bit, going back some weeks when this bill came up for reference to committee and the debate that took place on whether it belonged to Natural Resources and the debate that took place on whether it belonged in Fish and Game, and I would only say, with all due respect to the committee members of that committee, that with their great interest in snowmobiles and the organization itself, I would be so bold to say that even they, after hearing the testimony given to us at our public hearing with regard to this bill, would probably feel the same way we do, and that is that Percival Baxter, when he was Governor, it was my understanding from listening to his heirs, from reading the letters from the Attorney General's Opinion, of which Percival Baxter wrote himself and, incidentally, these are the last two pieces of communication that they have in writing from Percival Baxter with regard to this issue, and that is that he did not want snowmobiles travelling in Baxter State Park.

It was the feeling of the Attorney General's Opinion at that time, and as the good gentleman from Stow, Mr. Wilfong, pointed out, it is just an opinion, we don't have to agree with it, this issue probably should go to the Supreme Court for a ruling; that is where it belongs, I feel. Then the next question is, why didn't the Natural Resources Committee decide to put it there? Well, it was my feeling and it was the feeling, I suspect, of other members of the committee during that working session that if the Maine State Snowmobiling Association has a grievance against the Baxter State Park Authority or any other authority in this state, then they can take that issue to court without coming to this legislature. Obviously there are some problems with going directly to court, financial and so on, but this overall question probably does belong in the courts, there is no question.

It is an interpretation of a trust when the Authority was set up and Baxter gave the land to the state. I would like to just read you a letter dated May 11, 1965, and it is written to Mr. Helen N. Taylor, Park Supervisor, Baxter State Park, Millinocket, Maine. It says, "Your report came this morning and I am sure all is coming along well for the season. In regard to the motorskis, I have thought this over and have this suggestion to make. These skis should be prohibited in the park, except for one for you as supervisor to use in case of emergency. I feel strongly about this, for they will frighten away the wild animals and we would certainly not see a caribou again. This same reason prompted us to forbid the use of motor boats on our lakes. I can see the damage they would cause."

Now, whether or not you agree with that, that is not the issue. The issue is, this is one of the last remaining communications we have from Governor Baxter which clearly states to me that he was opposed to any sort of motorski or snowmobile, or whatever you want to call them, airmobiles, whatever, in Baxter State Park. I would just say that the real issue here is whether or not this legislature wants to circumvent a state park authority that we indeed created to make decisions with regard to that state park.

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

Mr. HALL: Mr. Speaker and Members of the House: Just for clarification, I got a note that says, are you a yea or nay? Well, I am sorry, I want the Majority "Ought Not to Pass."

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: This same type of bill has been before us several previous sessions and the issue with me is, I will support the "Ought Not to Pass" for the simple reason that I just can't understand, when you compare Baxter State Park, the land area, to the rest of the state, it is a very small piece of land. When you talk about it while you are there, it is a big area, but in comparison to the area of the rest of the state, I can't understand why the snowmobilers come from all over the state just to go to Baxter State Park when they have got equal territory, equal terrain, and they pass right through that to go to Baxter State Park. I think this is a good motion and I am going to support it.

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

ROLL CALL

YEA — Ault, Bachrach, Bagley, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Cote, Cox, Cunningham, Curran, Davies, Diamond, Dow, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hunter, Immonsen, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Locke, Lunt, Lynch, Mackel, Mahany, Martin, A.; Masterton, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Pearson, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Sewall, Shute, Silsby, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Theriault, Tierney, Torrey, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Aloupis, Birt, Boudreau, P.; Brown, K. L.; Conners, Dexter, Drinkwater, Gould, Gray, Hobbins, Jacques, Lougee, MacEachern, Marshall, Masterman, Maxwell, McKean, Peltier, Rollins, Smith, Strout, Tozier.

ABSENT — Austin, Bennett, Carroll, Connolly, Devoe, Dudley, Fowlie, Hughes, Hutchings; Jalbert, LaPlante, LeBlanc, Moody, Nelson, M.; Peakes, Perkins, Spencer, Teague, Trafton, Tyndale.

Yes, 108; No, 22; Absent, 20.

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

Non-Concurrent Matter

Bill "An Act to Amend and Repeal Certain Laws Relating to Amusements and Sports" (H. P. 1111) (L. D. 1378) on which the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-366) Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-366) in the House on May 23, 1977.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-365) Report of the Committee on Legal Affairs read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-365) in non-concurrence.

In the House:

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

Mr. JOYCE: Mr. Speaker, I move we insist.

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

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

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

A vote of the House was taken.

Whereupon, Mr. Joyce of Portland 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 Auburn, Mr. Green.

Mr. GREEN: Mr. Speaker, Men and Women of the House: I think this is my bill, I am not sure, but I think this is the one. I think the minority report, and if I am wrong, the good gentleman from Portland, Mr. Joyce, will correct me, it deals with pinball machines and the authorization of pinball machines with minors, and I believe not too long ago, the House accepted the majority report, which would have included that provision in it. Essentially, this is just an outgrowth of the so-called Blue Laws Committee that was set up earlier in the session where started tearing through the statutes and the good Senator from Cumberland, Senator Merrill, was more or less spearheading that committee.

We came across a sneaky little provision in there that said that no one under the age of 16 would be permitted by state law to operate a pinball machine without being accompanied by a parent or a guardian. I can remember the short period of time I spent working in a bowling alley as a short order cook and they had pinball machines and not once did I ever see them ask for identification, they never checked ID's,

and I never saw a child bring his or her parent in to watch them play the pinball machine, so I circled that statute and I said, well, maybe we could do without it since it obviously is not being enforced and it looks like kids a lot younger than 16 were actually playing these things. So I introduced this to the Legal Affairs Committee and I believe the good gentleman from Portland, Mr. Joyce, feels that it is still important, and I personally have no strong convictions about it one way or the other, but I just thought I ought to clarify that for members of the House.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how it is, but when a legislator of tender years appears to be misguided, I feel it almost necessary that I rise and place him back on the track. I kind of look over all bills and I am awful suspicious when somebody new to the business decides that we have so many antiquated laws in this state.

You look at the Statement of Fact on this L. D. 1378, one sentence: "This bill removes certain unnecessary statutory restrictions relating to amusements and sports." I thought it was a bill to prohibit romance when I read that. It kind of bothered me. But when I looked through it, I will tell you one of the things they wanted to wipe out, and I don't think I am that old, really, but they want to wipe out the provision that would let children play pinball machines.

Now, in my career, I was involved in enforcing this law from time to time. It seems like a cycle type law. It has always been necessary, and its necessity kind of rises about every five to eight years, and it arises this way — when the student leaves home in the morning with that 35 or 45 cents for his lunch and ends up in the grocery store or the cigar store and starts feeding that pinball machine, it ends up with no lunch for that kid. This is where the problem is that I have with this, and I think it is a necessary thing.

The young gentleman from the Lewiston-Auburn area, maybe he did grow up in a bowling alley, I didn't have that experience, but if it wasn't necessary, they didn't enforce it, police don't enforce most laws, but I think this is important and we should leave it on the books. That is why I urge you to defeat the motion before you now, so that we can insist on this.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to first of all respond to the good gentleman from Auburn, Mr. Green, in reference to the comments he made on the acceptance of this report in the House earlier. The report that was accepted was the minority report, which was Report B. It was not discussed at that time, it was just a motion made to accept it and it was passed in this body. I did not oppose it at that time because I knew the good people in the other body would send it back to us and we could take care of it here this morning.

As far as the argument given by Mr. Joyce, I recall back a couple of months when he stood up and talked about home rule and how important that was on another bill that dealt with amusements; yet, here he wants to put in a state law which can be very easily taken care of on the local level through local ordinance.

The state law itself is one that has not been enforced, the one that we presently have on the books, and I would urge you to support the motion that you have before you to recede and concur.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, that the House recede and concur. All those in favor of

that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carter, F.; Chonko, Churchill, Clark, Conners, Cote, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Fenlason, Gauthier, Gill, Gillis, Goodwin, H.; Gould, Green, Greenlaw, Hall, Henderson, Higgins, Hobbins, Howe, Huber, Hutchings, Jackson, Jacques, Jensen, Kany, Kelleher, Lizotte, Locke, Lunt, MacEachern, Mackel, Mahany, Masterton, McBreaity, McHenry, McKean, McMahon, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peterson, Post, Quinn, Rideout, Sewall, Silsby, Sprowl, Stover, Talbot, Tarbell, Tarr, Tierney, Trafton, Truman, Twitchell, Valentine, Whittemore, Wood, Wyman.

NAY — Beaulieu, Birt, Boudreau, A.; Bustin, Carrier, Carroll, Carter, D.; Cox, Dutremble, Flanagan, Garsoe, Goodwin, K.; Gray, Hickey, Hunter, Immonen, Joyce, Kane, Kerry, Kilcoyne, Lewis, Littlefield, Lougee, Lynch, Marshall, Martin, A.; Masterman, Maxwell, McPherson, Mills, Peltier, Plourde, Prescott, Raymond, Shute, Smith, Strout, Stubbs, Teague, Theriault, Torrey, Tozier.

ABSENT — Bennett, Connolly, Dudley, Fowle, Hughes, Jalbert, Laffin, LaPlante, LeBlanc, Moody, Morton, Peakes, Perkins, Rollins, Spencer, Tyndale, Wilfong.

Yes, 91; No, 42; Absent, 17.

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

Non-Concurrent Matter

Bill "An Act Concerning the Municipal Refund Claims for the Tree Growth Reimbursement" (H. P. 932) (L. D. 1129) which was Passed to be Enacted in the House on May 19, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-155) in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act Relating to the Spending Ceiling for Education Purposes" (Emergency) (H. P. 968) (L. D. 1165) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-282) as amended by House Amendment "C" (H-307) thereto in the House on May 13, 1977.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-282) as amended by Senate Amendment "A" (S-161) thereto in non-concurrence.

In the House: On motion of Mr. Lynch of Livermore Falls, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Amend the Charter of the Augusta Sanitary District" (Emergency) (H. P. 718) (L. D. 840) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-339) in the House on May 18, 1977.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-159) as amended by Senate "A" (S-160) thereto in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter
Later Today Assigned

Bill "An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes" (H. P. 221) (L. D. 285) which was indefinitely postponed in the House on May 19, 1977.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-158) as amended by Senate Amendment "A" (S-167) thereto in non-concurrence.

In the House: Mr. Lynch of Livermore Falls moved that the House recede and concur.

(On motion of Mr. Howe of South Portland, tabled pending the motion of Mr. Lynch of Livermore Falls to recede and concur and later today assigned.)

Orders

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Armand LeBlanc of Van Buren be excused May 26th, May 27th, May 31st and June 1st for personal reasons.

House Reports of Committees

Ought Not to Pass

Mr. Carter from the Committee on Taxation on Bill "An Act to Exempt Post-secondary School Books from Sales Taxation" (H. P. 1399) (L. D. 1563) reporting "Ought Not to Pass"

Mrs. Chonko from the Committee on Taxation on Bill "An Act to Impose a Sales Tax on Rental Fee for Cable T.V." (H. P. 1404) (L. D. 1566) reporting "Ought Not to Pass"

Mr. Curran from the Committee on State Government on Bill "An Act to Make the Term of Office of the Director of the Bureau of Alcoholic Beverages Coterminous With That of the Governor" (H. P. 300) (L. D. 356) reporting "Ought Not to Pass"

Mr. Curran from the Committee on State Government on Bill "An Act Concerning Cardiovascular Injury or Disease Suffered by State Police Officers" (H. P. 884) (L. D. 1083) 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. Teague from the Committee on Taxation on Bill "An Act to Exempt Certain Nonprofit Boarding Care Facilities from the Sales Tax" (H. P. 661) (L. D. 802) reporting "Leave to Withdraw"

Mr. Cox from the Committee on Taxation on Bill "An Act to Remove the Sales Tax on the Sale of Water for Residential Uses" (H. P. 1330) (L. D. 1555) reporting "Leave to Withdraw"

Mr. Lynch from the Committee on Education on Bill "An Act Making Capital Construction and Improvement Appropriations from the General Fund for the Fiscal Year Ending June 30, 1978, to the University of Maine (Emergency) (H. P. 936) (L. D. 1133) reporting "Leave to Withdraw"

Mr. Davies from the Committee on Energy on Bill "An Act Providing that a Lifetime Accounting of the Costs of Operating and Heating shall be made Before any Contract is Executed for the Construction or Major Alteration of a State Building" (H. P. 690) (L. D. 872) reporting "Leave to Withdraw"

Mr. Mahany from the Committee on Agriculture on Bill "An Act to Amend the Maine Agriculture Marketing and Bargaining Act of 1973" (H. P. 348) (L. D. 473) reporting "Leave to Withdraw"

Mr. Kerry from the Committee on Health and Institutional Services on Bill "An Act to Assure Coordination and Adequate Services to Children by Community Mental Health Centers" (H. P. 1357) (L. D. 1603) reporting "Leave to Withdraw"

Mr. Spencer from the Committee on Judiciary on Bill "An Act Regulating Sterilization" (H. P. 708) (L. D. 887) reporting "Leave to Withdraw"

Mr. Fenlason from the Committee on Education on Bill "An Act to Provide a Comprehensive Review of Elementary and Secondary Educational Services in the State" (Emergency) (H. P. 1467) (L. D. 1706) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Amend the Law Regulating Mass Gatherings" (H. P. 485) (L. D. 605) reporting "Ought to Pass" in New Draft (H. P. 1603) (L. D. 1806)

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Relating to Communicable Diseases" (H. P. 267) (L. D. 337) reporting "Ought to Pass" in New Draft (H. P. 1602) (L. D. 1805)

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

Ought to Pass Printed Bills

Mrs. Chonko from the Committee on Taxation on Bill "An Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law" (H. P. 464) (L. D. 569) reporting "Ought to Pass"

Mr. Carter from the Committee on Taxation on Bill "An Act Providing for Improvements in the Sales Tax Collection Provisions Specified by Statute" (H. P. 395) (L. D. 501) reporting "Ought to Pass"

Mrs. Chonko from the Committee on Taxation on Bill "An Act to Revise the Excise Tax on Camper Trailers" (H. P. 953) (L. D. 1147) reporting "Ought to Pass"

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

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Reduce the Funding Level of the University of Maine Law School, to Establish a Law School Loan Fund and to Require Part-time Programs to be Offered at the University of Maine Law School" (H. P. 1263) (L. D. 1515)

Report was signed by the following members:

Messrs. KATZ of Kennebec
PIERCE of Kennebec
USHER of Cumberland
— of the Senate.

Messrs. FENLASON of Danforth
PLOURDE of Fort Kent
BAGLEY of Winthrop

Mrs. LEWIS of Auburn
Mr. LYNCH of Livermore Falls
Mrs. BEAULIEU of Portland
Mr. BIRT of East Millinocket
Mrs. MITCHELL of Vassalboro
Mr. WYMAN of Pittsfield

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-403) on same Bill.

Report was signed by the following member:
Mr. CONNOLLY of Portland

— of the House.

Reports were read.

Mrs. Beaulieu of Portland moved that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I won't take too long this morning. I am not going to ask for a division on

this bill, I would just like to take one minute of my allotted five minutes to just explain quickly the reasons I put the bill in, and I also want to thank Representative Connolly for this opportunity by signing the bill out.

Briefly, and I think that I should do this because there has been a lot of misunderstanding about this bill and a lot of hard feelings in some places, and I just think that it deserves an explanation.

The bill has three parts to it dealing with the tuition increase at the law school, a loan program and a program to establish a part-time program at the law school. I put it in because this summer a very good friend of mine, a resident of South Berwick, was rejected from the law school, a person I felt was well qualified. I got to thinking about the role of the law school because of this, and I talked to some people there and found out why that person was rejected. But then I got to thinking about why we really have a law school, what its role is in the university system and for the State of Maine as a whole. I got thinking about why the state should be supporting a law school, why we should be subsidizing a lawyer's education at roughly two thirds of the cost of that education and also what role the law school is playing in reaching out to the other Maine people who may not want a law school education but would like to take some courses there. So I developed a bill and introduced it. I had no illusions that the bill would eventually pass, but I was hoping it could be used as an agent for change, to get some people, either the trustees or the law school people to begin to think that maybe they ought to start looking at the State of Maine as a whole and not their own little ivory tower that sits down there in Portland.

I introduced the bill, and of course many of you know, you have probably gotten a lot of letters on it or have gotten a lot of reactions, especially from people around Portland. There have been a lot of allegations made as to why this bill was introduced, a lot of allegations that relate to my seatmate and good friend, Representative Hobbins, none of which are true. I put the bill in, it was my idea, and it was something that I did because I felt that there was a definite need to bring this issue out. I think it has accomplished getting this issue out, because the trustees are beginning to take a good look at this, they have begun to take a good look at the whole system of subsidizing the university, especially the Master's and Post-graduate Degree programs that we have.

I guess all I have left to say on this is that I will promise the University of Maine trustees, and I am a graduate of the university, I am proud of it, but I will promise the University of Maine trustees that if some actions I have taken to make the law school a little more responsible to the people of the State of Maine, and the university system as a whole a little more responsible, this bill in a more expanded state to cover the whole university will be back in in the next legislature and I will be dealing with it a lot more seriously.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit disappointed in Representative Goodwin because I thought he was going to put on a real fight. I think it is time we had a fight over this issue. I think it is time we made it a point that the University of Maine Law School has been geared to the out-of-stater, that the fat cat society has been well looked out for, that the working man of Maine has been neglected when it came to his education. I am a little disappointed that Mr. Goodwin did not put up a better fight.

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

Mr. CONNOLLY: Mr. Speaker, Members of

the House: My vote on this bill in committee, I would like to explain it to you a little bit. First of all, I was very upset when I heard the discussions that were taking place in the hall and the phone calls that I have received and even two letters that I had received from lawyers in the Biddeford-Saco area. It said that the reason they believed this bill was put in and the only reason that the bill was put in was because some members of this legislature were denied access to the University of Maine Law School. I did not see the issue in that narrow a light. I saw the issue as being much broader, the access of the University Law School to all the people in Maine who were qualified and wanted to attend the law school.

My attention was further attracted to the bill by an article that appeared in the Portland papers a month or so ago that spoke about a debate that had taken place between the Moot Law Court Debate Team at the University of Maine in Portland in competition with other law schools in the eastern part of the United States. The article said that the team from the University of Maine in Portland had won that particular debate. The article was describing what had happened. It listed the names of the six people, I believe, who had taken part in that debate and won the debate for the University of Maine. Five of the six people that took part in that debate were out-of-state students. Only one of the six people that took part in that debate was a Maine student.

The minority report puts an amendment on the bill. It takes out what the original bill says about raising the tuition and about establishing a tuition loan program and says that the university is authorized to have a part-time evening school law program at the university. That seemed to me to be a reasonable thing to ask the university to do.

Some of the people that called me about this bill and asked me not to allow it to come out of committee said, "we believe that we have the power to get the votes to stop this bill if it ever does get on the floor but we would rather that the bill not come out of committee because we do not want the issue even to reach that point." The University Law School believes that it is a nice thing to have an evening school part-time program but that the personnel at the university just do not want to do it. The professors, the people who teach at the law school do not want to run a night school program.

I think that if we authorize the university to establish a part-time evening school program for people in Maine who want to be lawyers, that can only be a good thing. I think the fate of this bill has probably been pre-determined, but I would like to see a vote on this particular measure, and understand that if you vote against the majority report, you are voting to authorize the university to establish a part-time law school evening program.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I truly did not intend to speak on this issue but I do feel compelled to do it in view of some of the misunderstandings about the University of Maine Law School. I am not an attorney nor do I intend to make application to the school at any time in the near future, but I think it is well for us to keep in mind the fact that we do indeed have a number of students from outside of Maine attending the University of Maine Law School, and I think for a very good reason. We, in this House and in the Senate many many times talked about bills and reciprocities so that young people in Maine in other fields other than law can go to other institutions of higher learning, such as the University of Connecticut, Vermont, Tufts, or some other place. We are just consistently working in that direction so that we open up for young people in Maine who are not attorneys op-

portunities at other universities throughout New England and throughout the United States to attend a school of higher learning which we are not able to provide here in the State of Maine.

We are very fortunate, indeed, to have in Maine one of the finest law schools in the United States; certainly one of the very top ones in New England. We are in great demand by students from outside of New England. If we are unwilling to share our facilities, one of the finer institutions which we have within the university system, then I am sure we would find eventually that other institutions in other parts of the country would be unwilling to share their institutions with us for young people in other fields.

I have found, in my own experience here in Maine, many many times when young people could not get into institutions of higher learning outside of Maine because we could not afford to give them the training here in Maine, but here we do have one of our fine institutions, one of the best in the country, we do have to open it up to others so that others will open up other fields to us. I personally feel we should not tamper with it in any way. It is a great honor and credit to the State of Maine.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think there are several points that we should give some serious consideration to this morning relative to this. I think the gentleman from Nobleboro, Mr. Palmer, has covered part of it in the quality of the law school. The trustees in the law school are working towards trying to have about 80 percent of the students from the State of Maine attending the school.

I think the major point that bothers me about the possible passage of this bill would be as to whether we want to bring the whole operation of the University of Maine onto the floor of the legislature and make it political. The experience in some states in this country has been that they have gotten deeply involved in the politics of operating the state universities and to a large degree have probably done more damage than they have done them good. When the Land Grant College was first set up in 1865, it was decided at that time to give a good deal to the autonomy in the operation of the university to the trustees.

In 1967 or 1968, when they decided to set up the so-called super university, the legislature at that time reviewed in entirety the language that was passed in private and special legislation relative to the operation of the university and they decided to leave that structure as it was and leave the operation of the university to the trustees.

Bills of this type do, at times, serve a worthwhile purpose because they do bring points to the trustees. But I think we should give serious thought before we start to put language onto the statutes relative to how the university should be operated. I certainly hope you will accept the majority report.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from Nobleboro, Mr. Palmer. In all his wisdom, I would like to ask him how many students presently at the law school in Portland are from the State of Maine and what high school did they attend in the State of Maine?

The SPEAKER: The gentleman from Limerick, Mr. Carroll, has posed a question through the Chair to the gentleman from Nobleboro, Mr. Palmer.

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

Mr. Palmer; Mr. Speaker and Members of

the House: In all his wisdom, the gentleman from Nobleboro cannot answer the gentleman from Limerick, but the statements I made in the first place still stand.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: Just in response to the remarks of Representative Palmer earlier, the bill as it has been amended by the committee amendment would not limit the number of students from out of state that can attend the university. All the amendment does is allow the university to establish an extension evening school, night school, part time program for Maine people who are not otherwise able to use the university.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I find myself agreeing with the general sentiments of the gentleman from Nobleboro, Mr. Palmer, but I think he did neglect to say something that the House ought to hear and that is, in the past, we have been part of the New England Board of Higher Education's program and our major contribution to that program has been the law school which has allowed, for example, a lot of Maine kids to go to the University of Connecticut for Pharmacy, which is not available in the State of Maine.

Unfortunately, to my attitude, the university has already decided to withdraw the law school from that program. They have given the two years' notice which is required by the New England compact, a law passed by this legislature, and will withdraw the university law school from that program, which means that one more year from now, the admissions process will change drastically in the law school. That is a popular decision that the board of trustees made; it is one which I disagree with. I think what you do in the long run is decrease the number of opportunities available to Maine kids as other state universities reciprocate and withdraw some of their programs from the New England compact. They are being withdrawn and if you are concerned about the high ratio of out-of-state students to in-state students, it is going to end in one more year, rightly or wrongly.

Secondly, this bill does not allow the University of Maine to establish a nighttime law school program; they certainly are allowed to do that now. This tells them to establish such a program. That is my major objection to it.

This is not a new idea, it is not an idea that has not been considered by the Board of Trustees. It was considered twice during my tenure on the board and it is always useful to continue to press them to consider it, because when it is practicable, I hope it will be established. But the studies done for us when I was a trustee indicated that you needed a population base within commuting distance of the law school far greater than is available to our law school. We might be able to establish a nighttime program for a couple of years and use up that kind of stored up quantity of people who are willing to do law school on that basis, but very quickly they would be through the process and there simply is not the base of population to support an on-going nighttime law school program. When that situation changes, I hope the university would change its mind. But passing legislation without that kind of thought and study simply adds a very expensive program to a university system without the kind of population base and economic support that it would take.

Finally, I guess I must agree with the gentleman from Millinocket, that these kinds of decisions are best left to a continuing body of people whose job it is to evaluate programs like

night school law school programs and not down on the floor of this House.

I would support the motion to accept the "Ought Not to Pass" Report.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I am in an unusual position this morning because, as you probably noticed before or you will in the future, Mr. Connolly and I are usually on opposite sides of the bills that are presented, but for once I think he has seen the light and we are on the right side this morning.

Truthfully, ladies and gentlemen, this is a bill which I think is for the benefit for the people of Maine. I think that there is nothing as bad as an uninformed public, and you people know this. Through bills that we have passed through here and everything else, we try to get people interested and inform them and everything else.

I submit to you that I, like some of the others in this House, went to the University of Maine and I actually profited by some of their courses. I think I have profited by some of the law courses that I took there. I think that it is probably essential for all of you, especially if you are in the legislature, to be able to take some of these law courses if they were available. Right around Portland, which is probably the largest city in the state, you don't have such courses. They give you dinky courses in real estate law or some other thing which when people get out of there they do not know anything about it anyway or they are misinformed, or else they spend their money putting on courses on family planning or something like that. I would rather see them give the people a choice, make these courses available and give the people a choice to actually take these courses, even if they do not work for a degree. A lot of people do not want a degree anyway, all they want is information.

I think one of the best courses that could be presented today over there for all the legislators, which I took before and I think would be the best thing, would be to take a course on the law of courts. We come over here and we talk about a lot of things. We talk about criminal law as if we were experts. A lot of them talk as if they were experts, but that is questionable. The thing is that actually this type of course that involves law is a good course. Even if your interest is not in it, I think that it is essential that people do get a background of the laws of this state, the laws of the land, so that when they either come into this House or in their usual business association, and you see a lot of people now that are lawyers or that are presidents of banks and everything else, and I think this is very very essential.

I am not so much enthused about the degree part of it, because whether you have it or not, doesn't mean anything, it is what you have up here that counts. I think that this is a very essential part of it.

I went through this years ago and I have talked with them, and yes, they nod yes we should have it but they don't do it. I think that the way to do it is to have them do it this way.

I have taken many courses at the University of Maine and they have been cancelled. If the things did not have any value, if they did not have enough students to support the course, they cancelled it. At least they could give this a try. I am glad nobody brought up the fact that you could use the facilities for these courses, I think you should. I think the facilities, especially at Portland, which I am familiar with, are used for many undigestible programs that come through there. I submit to you that if we are all out for education we are all out to learn, you come here, you learn a lesson here and you go home and you learn a lesson over the weekend, and you think that when you close down in June or July that you have learned your lesson, you

wait from July until next September when they get after you and you learn another lesson which is a continuous thing and it is good.

I truly believe that studies in law are almost essential today in order to keep up with the ones that are after you all the time trying to harass you and doing all kinds of other things. In the original bill, I was not in favor of the other part and I was not too concerned about it, but the amendment as proposed by Mr. Connolly, and I think he did a great job, I think this is really great and I have great hopes for him that he will come with some more of this nice stuff later in the session.

Mr. Speaker, I do ask for a roll call on this. I hope that you do not accept the "Ought Not to Pass" Report so that we can accept the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Since we are going to be voting on this, I want to set the record straight as to what the amendment does and why this section, I think is important. I feel that the law school, hopefully, will move in this direction. That is why I was not going to really push for this, but I just want you to understand, if you read the amendment and I would like to have my good friend from Auburn, Mr. Hughes, do that, the amendment does state that it is the intent of the legislature that the University of Maine Law School offer extension programs for part-time students leading to degrees. I think that Representative Carrier hit the nail right on the head. We are not necessarily asking in this that you set up a part-time program for people who work only towards a law degree. There are many many people out there who would like to take a course in certain areas. One thing that comes to mind are the people who say school board members or superintendents or businessmen who have to deal with unions would want to take some courses on labor laws and things of this nature, and I think that this is important because you have got to look at what we do in the rest of the state.

I, by profession, am an adult educator. I have been a director of adult education and I am working on a Master's in adult education. Almost every other level of education that this state subsidizes is available to everyone. Starting right at adult basic education, an adult can learn to read and write, if he missed it in grade school, to a high school diploma through your C.E.D. programs and your community college programs of the university.

I happen to be a product of night school because I went through my first year and a half at the University of Maine going to night school. In every single area we do allow, even in the Master's program area, we do allow people to work towards these on a part-time basis, not only towards a degree but to take certain courses. In some of the courses that I am taking on my Master's in adult education, we have people from industry who are responsible for running training programs within their industry. We have nurses from various hospitals taking these courses, not to get their Master's in adult education but to get some educational background so that they can help train and do continuing education programs for other nurses in their area. You can go on and on like this. I think this is the idea behind this.

If we are going to vote on this, I would like you to clearly understand the issue. There are probably some technical problems with this amendment that we could work out at second reader if it goes that far, but I do think it is important that you understand the issue, that what we are trying to do by this legislative action is to state the intent and how we feel.

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

Mrs. BEAULIEU: Mr. Speaker and Members

of the House: When this bill was brought before the Education Committee, I determined that I would make an unusual effort on my part to try to find out just what the University of Maine School of Law was all about, what they were doing and whether or not the bill was needed. Talk about a fish out of water, I guess you can look at me today, but I have done an awful lot of homework on the school, what it is doing in the community, for the community. As for courses, special courses for people, they have them. My school administrators and teachers in our system are going for special courses on school law at the University of Maine. There are CED programs being offered at the law school.

I guess I am concerned about this amendment because it does — it is the intent and yet the intent said you must do, because if you look at the amendment carefully, at the end of it it says "Section 2, Effective Date: This act shall become effective July 1, 1978." There is no fiscal note and I am told there isn't one needed. I am not so sure about that.

I have with me a communication from William Julavitz, the Assistant Dean and Associate Professor of Law at the School. I feel I need to read it in part so you will understand exactly what the impact of what this legislation would do.

The first concern I think we have to address ourselves to is, does the Board of Trustees have the power to determine what courses are going to be taught at the university or does the legislature? That is one concern we need to address ourselves to.

In the communication, Mr. Julavitz points out to me and has sent me copies — "Enclosed please find copies of the rules regarding accreditation of a part-time program from the two accreditation agencies, The American Bar Association and the Association of American Law Schools. These are reproductions. One comes from the 1973 rules and regulations, the other one 1977. As I have stated to you many times, accreditations from these two agencies is essential for any law school. You should understand that the accreditation rules go into great detail regarding faculty-student ratios, university sports, library facilities and volumes and the other matters related to the academic program. Unless there is additional money made available to start a truly comprehensive part-time program, there is little question that the integrity of the full-time program will be affected and potentially affect the accreditation of the full time program. It would be a fiscal impossibility to simply plug in a part-time program with our current faculty and facilities. As it is now, we are close to violating the accreditation rule which requires a certain percentage of space per student. If a part-time program were mandated, it would simply push us over the edge. It would be necessary to add more space to the building to accommodate more personnel, staff and students. I understand the staff now is 12 full-time instructors, two part-time instructors and one dean and two secretaries. If you have any questions, please contact me."

I guess I am a little disappointed in that the credibility of Mr. Goodwin was not heeded to begin with. As he indicated, he rocked the boat with this bill, and rightfully so, but he seemed to feel, as I do, that there is a movement taking place in trying to do more if funds and accreditation standards will permit in the area of the law school. I feel that we should give the Board of Trustees at least six months or a year to review, which they claim they are doing, and if they are not doing it, then we can come back in another session or a special session and try to deal with the whole issue. I don't like the approach of this kind of mandate when I feel there are strong alternatives to get the job done.

I again point to the amendment. Please keep

in mind that you are mandating a program. Ask yourselves, is this our job? And look very closely at the end of this where it says "the act shall become effective July 1, 1978;" not enough time.

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would say very briefly this morning that after listening to my very good friends Mr. Connolly, Mr. Carrier, Mr. Goodwin and Mrs. Beaulieu and she brings out a good point. I think that the other gentlemen have an excellent idea, I think the only thing that is lacking is the fiscal note, and if you will vote against the "Ought Not to Pass" Report, I am sure we can get together and put our money where our mouths are and come up with the amount of money necessary to fund this with a destruct clause. I understand this is permissive legislation, and if the Board of Trustees decide that they don't want to do it, then the money will revert back to the General Fund. But we will make the recommendation, let the Board of Trustees make their determination, but we will put the money behind it to do it if they should decide to implement it.

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

Mr. TRUMAN: Mr. Speaker and Members of the House: I would like to ask Mr. Goodwin what the tuition change will be if this bill becomes law?

The SPEAKER: The gentleman from Biddeford, Mr. Truman, has posed a question through the Chair to the gentleman from South Berwick, Mr. Goodwin, who may answer if he so desires.

The Chair recognizes the gentleman.

Mr. GOODWIN: Mr. Speaker, the amended bill that we are dealing with doesn't deal with tuition at all. The original bill did, which would have raised the tuition in a three-year period of time from about the \$900 that it is now to about \$1,400. This particular bill deals only with establishing part-time programs, and there is no way you can tell what effect it would have on tuition.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I will make two short points. One, we are training a lot of lawyers nationwide, it is hard for them to find jobs because possibly we have a few too many. The law becomes a secret profession; in a way it is like alchemy, turning lead to gold or something. It is not that complicated. A lot of it depends on reading and writing and understanding what you are reading and writing.

I think it is terribly important that the people have access to the law and access to courses to the law. I think night courses, many of our judges, many of our public people have gone through the night courses. It is not an easy way to do it; it is far easier to go through the regular full-time law courses in order to get your degree, and the people who are willing to take the time, and it takes five or more years to do it and it is very hard work to do this, they should have the opportunity to do it. The people who don't even want to be lawyers but want to know about the law should have the opportunity to do this.

In the real estate course, they teach a law

course, and it is probably the most attended thing in the whole course. There are more questions asked and there is more interest in that than possibly any other part of it.

I had the opportunity to attend the University of Maine Law School myself and the education that I gained from that and the insight into things that I gained from that, I feel it is completely invaluable and it should, if possible, be open to as many people as possible.

I hope you will keep this alive. I agree that it needs work, but I think it shows a very good intention and it should be kept alive.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: I feel it is terribly important that we understand what the amendment says. This is not a consumer — we are not talking about having people go in for special courses in real estate or school law and what not. Read the amendment. It is the intent of the legislation that the University of Maine Law School offer extension programs for part-time students leading to a law degree. That has nothing to do with going to that law school in the evenings to find out about law or find out about consumerism and how the law affects it. This is to allow people to go there to participate in part-time educational courses to become lawyers. That is a whole different ball game.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I would just address a question through the Chair, if I might, to the good lady from Portland, Mrs. Beaulieu, and ask her if there is anything in that amendment which says that you have to obtain a law degree in order to take those night courses?

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

Mrs. BEAULIEU: Mr. Speaker, all I can indicate to you is the way it reads. It says "to offer extension programs for part-time students leading to a law degree." I can't interpret that in any other way but to mean that a person would go there to take these courses to become a lawyer.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Birt, Bunker, Burns, Carter, F.; Churchill, Connors, Cunningham, Devoe, Drinkwater, Dutremble, Fenlason, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Huber, Hughes, Hunter, Hutchings, Immonen, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Marshall, Masterton, Maxwell, McBreairty, McHenry, McMahon, Mills, Mitchell, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Peltier, Perkins, Peterson, Plourde, Prescott, Raymond, Rideout, Rollins, Sewall, Slisby, Smith, Sprowl, Stover, Stubbs, Teague, Theriault, Tierney, Torrey, Truman, Whittemore, Wyman.

NAY — Austin, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Dexter, Diamond, Dow, Dudley, Durgin, Elias, Flanagan, Fowlie, Gauthier, Goodwin, H.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Locke, Mahany, Martin, A.; Masterman, McKean, McPherson, Nadeau, Norris, Pearson, Post, Quinn, Shute, Strout.

Talbot, Tarbell, Tarr, Tozier, Trafton, Twitchell, Tyndale, Valentine, Wilfong, Wood. ABSENT — Hobbins, Jalbert, LaPlante, LeBlanc, Moody, Peakes, Spencer.

Yes, 70; No, 73; Absent, 7.

The SPEAKER: Seventy having voted in the affirmative and seventy-three in the negative, with seven being absent, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-403) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act Authorizing Control over the Electrical Rates Charged Maine Consumers by Out-of-State Electrical Utilities" (H. P. 835) (L. D. 1008)

Report was signed by the following members:

Messrs. CARPENTER of Aroostook
COLLINS of Aroostook
Mrs. CUMMINGS of Penobscot — of the Senate.
Mr. PEARSON of Old Town
Mrs. TARR of Bridgton
Messrs. LUNT of Presque Isle
SMITH of Mars Hill
McHENRY of Madawaska
BERRY of Buxton
CUNNINGHAM of New Gloucester — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-401) on same Bill.

Report was signed by the following members:

Messrs. KELLEHER of Bangor
NADEAU of Sanford
WOOD of Sanford — of the House.

Reports were read.

On motion of Mr. Kelleher of Bangor, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-401) was read and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Establish a State Gambling Commission and to Permit Gambling within Certain Areas of the State" (H. P. 1175) (L. D. 1455)

Report was signed by the following members:

Messrs. CARPENTER of Aroostook
HEWES of Cumberland — of the Senate.
Messrs. JOYCE of Portland
CARRIER of Westbrook
BURNS of Anson
Mrs. DURGIN of Kittery
Messrs. GOULD of Old Town
SHUTE of Stockton Springs
DUDLEY of Enfield — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-402) on same Bill.

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot — of the Senate.
Messrs. BIRON of Lewiston
COTE of Lewiston
MOODY of Richmond — of the House.

Reports were read.

Mr. Biron of Lewiston moved that the Minority "Ought to Pass" Report be accepted. The SPEAKER: The Chair recognizes the

gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I move for indefinite postponement of this Bill and all accompanying papers.

The SPEAKER: The gentleman from Portland, Mr. Joyce, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Let me get the things out of the way such as this is my bill and it is a good, good bill.

You will notice that Mr. Joyce stood up here this morning and moved indefinite postponement of this bill; yet, he did not give you a reason for it.

At this time, I would challenge any member of this House to stand up and give a good reason why this bill should be killed, because there isn't a good reason. It is an emotional, gut reaction that members are having to this kind of legislation.

When I ran for this body, I made a promise to myself and to my constituents, and that promise was that I would do something instead of just talking about it — and I wear a button that says "do it" and that is what it means — do something to bring an additional source of revenue to the State of Maine without putting the burden on the individual taxpayer. This is what this legislation is addressing.

First of all, I have had the opportunity in the past three months and that is how long I have been working on this legislation, to talk to several people about the bill, about the possibilities of this kind of legislation here in the State of Maine. Let me explain exactly what this legislation does and how it could impact us here in the State of Maine.

First of all, in coming up with the idea of gambling, and that is what this bill is saying is that we would legalize gambling in certain zones in the state, I had the same concern that most of you here in this House have, the initial reaction to this kind of legislation. My initial reaction was, first, is it the kind of legislation that is going to be in the best interest of the State of Maine? Is it going to draw an element to the State of Maine that we do not want? It is unfortunate that when we have a major bill and I think that is a major bill before this body and when I look around the room, most of the members have walked out — it is unfortunate. They say they are here to serve the best interests of the people of Maine.

When you look at legislation like this and you look at those questions I have addressed, the first question being that of bringing in an undesirable group to the State of Maine, the research that I have done has proven, and I think that even your experience right here in the Maine House has proven to you, each of you individually, that if the Mafia was interested in gambling in the State of Maine, they would have been lobbying this bill. You have not been lobbied. They are not interested in coming into the State of Maine. They are not interested in bringing the underworld into the State of Maine.

We in the State of Maine have got a great asset, and that asset is our tourism. What do you have as a tourist industry in this state? I will tell you what we have. We have a bunch of campers who come in from out of state and buy their beer in New Hampshire and leave their cans in Maine. That is our tourist industry. It is nothing to be proud of, yet, tourism should be our greatest asset.

You look across the length and breadth of the State of Maine and you look at those businesses that are in trouble, those businesses that are in trouble are the resort areas, the places where people with money go. The people with money

do not come to the State of Maine. Where do they go? They go to the states, they go out of the country where they can spend that money. If you in this House are sincere in finding an alternative source of funding, and if you believe in the slogan that you have on your plate which says "Vacationland," it is about time you started providing a tourist industry in the state. The bill that you have before you will do that.

It is interesting to note that there were three people in opposition to the bill when it had its public hearing. No one in this House is going to stand up and say that the people of Maine did not know about it. The people in Maine knew about it, and I would challenge any of you in this House to show me the stacks of letters you might have received on other bills in opposition to this legislation. There isn't any. If the people were in opposition to this bill, they would have been here in droves and they were not.

There were three people in opposition. The three people were, first of all Reverend Bubar. Reverend Bubar stood up and said he is against smoking, he is against drinking, he is against gambling and he wants all of us to have a good time while we are here. There is the first opposition. The second person in opposition to the bill was the Maine Harness Racing Association — interesting to note, they want to keep all the gambling to themselves. They do not like gambling, just for the Harness Racing Association. They were against off-track betting; I took it out of the bill, it was not that great of an idea. The third person who was in opposition to the bill was the Chief of the Maine State Police. He made a rash statement saying that it would cost a million dollars to police such an activity in the state. He knew what the bill said. The bill simply said that we would set up gambling zones within certain areas; as I see it, two zones. A million dollars at an average salary of \$10,000 per trooper, this means we would have two casinos in the state and each casino would have 500 troopers in each one. I guess we would have a trooper for every gambler. That is the kind of arguments that have been given against this legislation. None of it is sound. Again, I challenge any of you, after I finish speaking here this morning, to give me a sound argument against this legislation, because there isn't any.

The bill will do several things. First of all, your vote here today will simply send the question out to referendum. Some of you have said to me, my constituents are against gambling in any form, shape or manner. About two weeks, I sent to each and every one of you in this House a list of how your constituents voted on gambling in the state when they voted on the Maine State Lottery. Now, don't give me the argument that your constituents are against it, because if they are in favor of voting for a lottery of which they can only get back 40 percent of the money they invest, they surely will be in favor of legalizing a casino where they can get back 80 to 90 percent of the money they invest. That is what the lottery is and that is what a casino is.

As far as the argument of the underworld and bringing that group into the State of Maine, every statistic, every study ever made has proven that when you legalize gambling, you discourage organized crime, you do not encourage it. Again, I will challenge anyone to argue that point with me, and I have the facts and figures, not my research, done by the federal government, the University of Nevada and other places.

I am the first to admit that in 1945 there was organized crime and there might still be in Nevada. They had no rules and regulations. Some might stand up and say that if we have a casino here in Maine, every other state will have some. We should not have it because we will only make money for ten years or five years. The State of Nevada, ladies and gentlemen, last year made a hundred million dollars with gambling. I realize that some of

you in the state, and I am not saying that this is what we could do in the State of Maine, but they made a hundred million dollars, and I realize that some of you in this state would not want that for the State of Maine, because if we had that kind of situation, we could help our elderly and we could pay our bills and we could be a little more progressive. I know that we do not want that; after all, that is a terrible thing for the State of Maine.

If we are to do something positive, this is the body to do it. The legislation that you have before you is positive legislation. It gives all the controls to the people. The first question, if you pass this legislation, is simply "shall the people of Maine vote and allow the State of Maine set up a commission?" The commission's responsibility will be to set up the rules and regulations. After the rules and regulations have been set on a county level, the people of Maine will vote again if they want to allow gambling in their area. If they vote yes, they will come to the commission and apply for a license. Then the state will tax that activity at 10 percent. That 10 percent will go into a local government fund which will return monies to every community in the state, no matter if they gamble or not. That is the bill that you have before you. It is a referendum question.

Again, I challenge any of you to stand up and argue this bill on its merit, not on your initial gut reaction.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have got to make one statement right off. I want to say that I have been around longer than most of you. I do not smoke, I do not drink, I do not gamble, and I challenge anyone in the room to say that they have had more real fun and enjoyment in the last 70 years than I have.

As far as this particular project of casino gambling and all the profits made in Nevada, I want to call your attention to the fact that Nevada has legalized another tourist attraction, and I don't think we want to start anything that might lead to that in Maine.

We talk about the gut reactions; we talk about emotions. I have read plenty of facts and figures to show that not only do the areas that have legalized casino gambling bring in a lot of money, they bring in a lot of undesirable characters, they bring in law enforcement problems which eat up most of the profit. It seems to me that that isn't exactly what we want.

As far as having only three people here to oppose it, in my area, people asked me if there was any object in coming in. They said, "You will vote against it anyway, won't you?" And I said, "I certainly will." They said, "Then we will not bother to attend the hearing." I feel certain that was multiplied all over the State of Maine.

I hope you will vote to indefinitely postpone this item.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I do not intend to go into the gut reaction; however, I would like to address a couple of things that the gentleman from Lewiston, Mr. Biron, said.

As a former resident of the City of Las Vegas, Nevada for 28 months, I would just like to preface my remarks by a few things. The hundred million dollars that the State of Nevada probably took in last year was probably needed to take care of the social ills and the law enforcement that was created by the fact that they have gambling in that state.

Let's take a look at the tax structure. Since Nevada is set out to be the panacea of gambling, they have a corporation tax in Nevada. They have a sales tax which per capita for each

individual resident of the State of Nevada is tenth highest in the nation. They have a property tax in the State of Nevada and they are 19th highest in the nation. When you combine the state and local tax revenue to the population to the State of Nevada, they are fifth highest in the nation, standing above the State of Maine.

Turning to the bill itself, if this was going to be a panacea and cure all the ills, the only financial statements in the bill are those that establish the state gambling commission. There is no revenue indicated. There is no additional law enforcement people indicated, which we surely would need, nor is there any social services allocations made here to take care of the suicides. The mental cases and the other and sundry ailments that are going to come along with gambling.

As to the point that there was no opposition, I think the people of Maine were well aware there are at least a hundred that they had elected to this body that are going to stand up in opposition to this bill.

I would like to turn to the report of the Commission on Revenue of the national policy toward gambling. This was a committee established by the United States Congress. They studied the problem for some four years. In their conclusion in recommendations on the casino gambling area, they say proponents of legalized casino gambling in states other than Nevada generally put forth two major arguments in favor of their position. First, the casino gambling will provide needed revenue for the states. The other is that the resort areas will become more popular tourist attractions with the added glamour of casino gambling. The commission questions the validity of both arguments. The commission does not believe that the state should expect revenue from legalized casino gambling to ease the financial difficulties significantly. Casino gambling has not, to date, provided a financial panacea.

The state of Nevada which offers an example for successful revenue raising through legalized gambling, stands only sixth among the states in total revenues derived from legal gambling. There are five other states that raise more money than the State of Nevada through other gambling. I do not have the figures, but the State of Maine is probably up there close somewhere.

I urge everyone to vote to indefinitely postpone this bill and, Mr. Speaker, I ask when the vote is taken, it be taken by the yeas and nays.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: With all due respect to the gentleman from Lewiston, Mr. Biron, I am afraid I am not going to respond to his challenge to offer facts and figures as to why this is a bad bill. I am giving him my gut reaction. My gut reaction is that when somebody offers you something for nothing, you had better look into it before you jump for it. That is exactly what he is offering us.

We have the opportunity to take care of our elderly, our abused children, all of our social problems in this state for nothing. It is not going to cost us anything, and we are going to have a good time while we are doing it. Something tells me that there is something rotten somewhere in that kind of a deal. This is what gambling is all about.

Many many people have pleasure in gambling. I see nothing wrong with it. I personally do not gamble, it just does not appeal to me, but for many other people, gambling is a disease. If you have ever seen it in your own family or in people that are close to you, you can see how destructive a disease it is. The basic feeling behind the people who are compulsive gamblers is the desire to get something for nothing. It just pervades this whole issue. I do not believe you get anything for nothing. I do not believe

anyone else in this body believes you get something for nothing.

We are not going to get a hundred million dollars or anything approximating it for nothing in this state. The cost to this state, I submit, will be much more than a hundred million dollars worth in terms of our quality of life and the values that we are trying to pass on to our children. You do not get something for nothing, and I don't feel we should pass this bill and in essence be saying to the people of Maine "we think you can get something for nothing and go ahead and live your lives that way."

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker, Members of the House: With all due respect to the gentleman from Lewiston, Mr. Biron, who says this bill is a good good bill, I say it is a bad bad bill. Several weeks ago in Kittery, we had a controversial gambling issue; namely, jai alai. This issue was put to the people on an advisory opinion poll and it failed three to one. The promoters of this issue offered the town all kinds of revenue, up to half a million dollars, but the people would not accept this. I submit to you that I believe this is an indication that the people of Maine do not want gambling.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Exactly what I talked about when I first started is happening here in this House. The good lady from Augusta stands up with her gut reaction. The gentleman from Anson, Mr. Burns, stands up and gives you facts and figures which are totally incorrect. I have here before me a report from Nevada.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns, and inquires for what purpose the gentleman rises.

Mr. BURNS: Mr. Speaker, I did not like the remark being made by the gentleman.

The SPEAKER: The Chair would advise the gentleman from Lewiston, Mr. Biron to please not to question the integrity of any member of the House, which I am sure he was not intending to do.

The gentleman may proceed.

Mr. BIRON: I have before me the facts and figures of revenues in Nevada last year and how they were broken down. The words used were that the majority of the monies were used to police the gambling activities. The actual facts are, and I have this report that is available to any of you, is that \$750,000 of that money went into the state general fund. There goes that argument.

Ladies and gentlemen, again, I cannot in my mind understand why any of you responsible legislators would deny the people of Maine the opportunity to make this decision. If the people of Maine do not want it, fine, I have no problems at all, I have nothing to gain from this. I believe the people of Maine want it. None of you, and I challenge all of you to do this, to give me the reaction of your constituents, you have not received calls, you have not received letters in opposition to this bill, I know you haven't. Yet, you can sit here today and say "my constituents don't want it." This is amazing, it is really amazing.

If gambling does not bring in a dime to the State of Maine, let's say it doesn't bring in a dime, how about the creation of jobs. Is there no consideration there? How about the construction industry that will build these places. Isn't there any consideration there? Are we so overly employed in this state that we continue with legislation like has been introduced to do away with billboards and do away with industry. We can continue doing that in this state because we have so much money and so much employment. How about the employment question? Isn't that a consideration? These are the things that you have before you, and no one is breaking your

arm. Let the people of Maine make up their minds. That is all I am asking.

If any of you can show me that your constituents have written you letters and are totally in opposition to this thing and you vote no, I can understand that, but there isn't anybody in this room that can do that. Yet, you call yourselves the representatives of the people.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have very little to say, but I think the gentleman from Lewiston will find out when the vote is taken that the people of this House do represent their people and are very much aware of how their people feel.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take much time with this one, about as long as it would take to spin the roulette wheel or to roll the dice, but this is the bill that I have been preparing you for. This is the bill that will open the door in the State of Maine.

I agree with the good woman, Representative Kane. As for the facts and figures of Nevada, I don't feel it reflects the broken homes or the unfed kids. That has been my association with the gambler.

Mr. Burns is right. He points to the record. This thing has been studied and studied. If they ever studied a dead horse, this is the one.

I wrote to my good Senator Hathaway and asked him to send me up the 1976 study on organized crime. That touched on this. Oh, what a blast they put on this, legalized gambling. They pointed back to the study that Representative Burns read to you today. Let me take just one item that they picked out that they thought would be interesting. This was the 1974 Task Force on Legalized Gambling. They examined the feasibility of legalization both as a revenue measure and as a tool to combating organized crime. The Task Force concluded that there was no adequate justification for legalization of gambling. Of all the arguments offered, that of fighting organized crime, they said they didn't find that had much — they went on to tell how eventually in legalized gambling there were many fruits and they are poisonous fruits that bring organized crime in on this.

I don't think too much has got to be said, because I talked to a lot of people in this House and, you know, I don't see the Lewiston view around this House, and I think the sooner we get to this bill, the better.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would just like to say that this is not a Lewiston view. I understand that Mr. Biron probably has constituents who have told him they are in favor of this bill, but I have many constituents who have told me they are opposed to it.

It is true, however, that I did not receive any letters, but when I do go home on weekends, I am with my constituents. I have spoken to many about this. I have asked various organizations what they thought, and I have yet to see one person in all that I have spoken to that are in favor of the bill.

Human nature being what it is, we know that people like to gamble. We can take the race tracks for an example. We have people probably making a hundred dollars a week going to the race tracks, leaving the bulk of their money there. What will happen with this, we are going to have to increase our welfare rolls in my opinion, because people will be spending their money on gambling.

As far as the state lottery is concerned, I think when the people passed this, they found this as a form of revenue for the education of the people of our state. However, that money

did not go there; it goes into the General Fund. It was anticipated at that time that this would bring in approximately \$10 million a year. Presently, we are lucky to get \$2 million, and I am almost sure that if this were to go back to referendum, I think the people would turn this down.

As far as the tourists are concerned, I think the State of Maine is enjoying a very good tourist season year round. But it is not so much the tourists, it is the type of tourists we are going to have in the State of Maine. This is the question we should ask. We don't only get tourists from New Hampshire and New York and Florida, but we get the Canadians here also, and I think the type of tourists we have in the State of Maine, we are unique in this, for having the class of people we have as tourists, and I don't think should change the type and class of tourists that we are getting for what we would be getting in the casino-type gambling in this state.

I ask the members to vote for the indefinite postponement of this bill.

Mr. Biron of Lewiston was granted permission to speak a third time.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the house: Again, in answer to the response made by the good gentleman from Lewiston, Mr. Raymond, again his facts are totally incorrect when he says that those people who can least afford it will gamble. That is your lottery, that is what you have got right now. That is what you voted for and that is what the people got.

A sociologist, a psychologist, anyone who has got anything going for them who has researched gambling, the testimony of those people in committee has shown that those who gamble are the ones who can most afford it, not the ones who can least afford it. Your lottery takes care of them.

This bill here is going to attract the people who presently go to Nevada, who are presently going to go to New Jersey, and some people say, well, why should they come to Maine. Well, if I was given a choice between pine trees, a dust bowl and oil pipes, I think I would take the pine trees. Those are the people we are going to draw to the State of Maine, the people who spend a lot of money in this area. The people who cannot afford it will not gamble, with the exception of the person who is a compulsive gambler. Unfortunately, ladies and gentlemen, your defeating this bill today will not stop him because he is gambling right now, and most probably gambling in a place where Mr. Raymond took his questionnaire.

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 Portland, Mr. Joyce, that this Bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Berry, Berube, Birt, Blodgett, Boudreau, A.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cox, Cunningham, Curran, Davies, Devoe.

Dow, Drinkwater, Dudley, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Twitchell, Tyndale, Valentine, Whittmore, Wilfong, Wood, Wyman, The Speaker.

NAY — Bennett, Benoit, Biron, Boudreau, P.; Cote, Diamond, Hall, Howe, Jacques, Locke, McHenry, Nadeau, Nelson, N.; Norris, Quinn, Talbot, Truman.

ABSENT — Dexter, LaPlante, LeBlanc.

PAIRED — Durgin, Jalbert.

Yes, 129; No, 17; Absent, 3; Paired, 2.

The SPEAKER: One hundred twenty-nine having voted in the affirmative and seventeen in the negative, with three being absent and two paired, the motion does prevail.

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

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

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

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

Sent up for concurrence.

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

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

Divided Report Later Today Assigned

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Establish a Fund to Insure the Safe and Proper Decommissioning of Nuclear Energy Generating Facilities" (H. P. 1454) (L. D. 1694)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. COLLINS of Aroostook
CARPENTER of Aroostook
— of the Senate.

Mr. LUNT of Presque Isle
Mrs. TARR of Bridgton
Messrs. SMITH of Mars Hill
CUNNINGHAM of New Gloucester
PEARSON of Old Town
BERRY of Buxton
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1599) (L. D. 1804) on same Bill.

Report was signed by the following members:

Messrs. NADEAU of Sanford
KELLEHER of Bangor
WOOD of Sanford
McHENRY of Madawaska
— of the House.

Reports were read.

Mr. Kelleher of Bangor moved that the

Minority "Ought to Pass" Report be accepted.

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

Mr. BERRY: Mr. Speaker, I don't know how to proceed under the circumstances; however, I am going to ask for a division. I understand that this is your bill, I am quite aware of that, and I think probably you ought to be seated in your seat so that you could at least defend the bill and possibly the right thing to do would be to table until later in today's session.

Thereupon, on motion of Mr. Kelleher, of Bangor, tabled pending his motion to accept the Minority Report and later today assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Repealing the Tuition Equalization Fund" (H. P. 1199) (L. D. 1428)

Report was signed by the following members:

Mr. PIERCE of Kennebec
— of the Senate.

Messrs. LYNCH of Livermore Falls
BIRT of E. Millinocket

FENLASON of Danforth

PLOURDE of Fort Kent

BAGLEY of Winthrop

CONNOLLY of Portland

Mrs. LEWIS of Auburn
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-408) on same Bill.

Report was signed by the following members:

Messrs. USHER of Cumberland
KATZ of Kennebec
— of the Senate.

Mr. WYMAN of Pittsfield

Mrs. BEAULIEU of Portland
Mrs. MITCHELL of Vassalboro
— of the House.

Reports were read.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: This item is the third bill which deals essentially with how we are going to spend our state dollars to help our young people achieve education after they leave high school. I am going to ask the good gentleman from Livermore Falls, Mr. Lynch, to table this bill for two days and we will try to deal with this issue on Tuesday. At the same time, I intend to take items 10 and 12 from the unassigned table which also deal with that same subject matter so that we can have a comprehensive debate at that time and decide which way the House wants to go. That means, in particular, then, if anyone has an amendment to item 12 on the unassigned table, I would hope you would prepare it so that it would be ready to go on Tuesday.

Thereupon, on motion of Mr. Lynch of Livermore Falls, tabled pending acceptance of either Report and specially assigned for Tuesday, May 31.

Consent Calendar First Day

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

(H. P. 1366) (L. D. 1597) Bill "An Act to Assist in the Determination of the Mental Condition of Criminal Defendants" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 1339) (L. D. 1619) Bill "An Act to Promote Direct-Marketing of Agricultural Commodities" — Committee on Agriculture

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-422)

(S. P. 449) (L. D. 1529) Bill "An Act to Repeal Certain Laws Relating to Highway Taxes Assessed by Towns" — Committee on Transportation reporting "Ought to Pass"

(H. P. 1281) (L. D. 1517) Bill "An Act Clarifying the Saco River Corridor Commission Statutes" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-425) (Later Reconsidered)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 27, under listing of the Second Day.

Consent Calendar Second Day

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

(H. P. 122) (L. D. 155) Bill "An Act Concerning the Practical Training of Electricians" (C. "A" H-406)

(H. P. 781) (L. D. 934) Bill "An Act to Authorize an Archeologist for the Maine Historic Preservation Commission" (C. "A" H-404)

(H. P. 134) (L. D. 171) Bill "An Act Concerning the Membership of the Standardization Committee" (C. "A" H-405)

(S. P. 446) (L. D. 1551) Bill "An Act to Implement a 'Product of Maine' Designation" (C. "A" S-153)

(H. P. 726) (L. D. 846) RESOLVE, to Convey Land from the State of Maine to Clarence E. Nichols

(H. P. 47) (L. D. 68) Bill "An Act to Authorize the Town of Beals to Withdraw from the Moosabec Community School District" (Emergency) (C. "A" H-407)

(H. P. 1348) (L. D. 1651) Bill "An Act to Permit State Aid to be Distributed to the Unit or School which the Student Attends" (Emergency) (C. "A" H-409)

(H. P. 907) (L. D. 1106) Bill "An Act Concerning the per Pupil Cost of a School Administrative Unit Losing More than 33% of its Enrollment between June and September" (C. "A" H-410)

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

Passed to Be Engrossed

Bill "An Act to Revise the Water Quality Program" (S. P. 508) (L. D. 1793)

RESOLVE, to Extinguish Certain Debts Owed by Counties to the State of Maine (S. P. 315) (L. D. 1035)

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

Bill "An Act to Create a Clients' Bill of Rights and Responsibilities" (H. P. 1594) (L. D. 1802)

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

Mr. Burns of Anson offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-430) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: The first part of this amendment, the first section, this was a problem brought to me by the Chairperson of the Election Laws Committee, and the verbiage that we have in the L.D. is subject to question. To clarify that, we are striking out 2D on page two and adding in its place — "A resident shall

have the right to vote unless he is barred from voting by federal or state law." That will take care of that problem.

The second section of this amendment was the intent of the committee when it came out of the committee, but due to the redrafting and the rush work done on it, the provisions were not placed into the new L.D. What it is, this L.D. establishes the right of the department to establish rules and regulations as far as any clients are concerned. This paragraph four imposes limitations on those regulations for the specific purpose that the legislature should take a look at it rather than it coming through the regulatory area if it should happen.

If any rule or regulation is established by the department that would cause the closure of any facility, this is barred, and B, if any rule or regulation is proposed that would cost the facility, in its budget, any one year more than \$300 per average client, this would mean, say, if the average client was 30, such as quite a few of the county jails have, then \$9,000 would be the most allowable under any rule or regulation change.

This will satisfy some fears that I had with this L.D. and I hope you do adopt House Amendment "A."

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

Bill "An Act Concerning the Motor Vehicle Certificate of Title and Anti-theft Laws of Maine" (H. P. 1595) (L. D. 1803)

Bill "An Act to Amend the Method of Collecting Municipal Costs in the Abatement of Malfunctioning Domestic Sewage Disposal Units" (H. P. 1323) (L. D. 1557)

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

Amended Bills

Bill "An Act to Eliminate Weight Limits on Certain Species of Fish and to Provide for Uniform Possession Limits by Numbers" (H. P. 188) (L. D. 250) (C. "A" H-398)

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

Mr. ELIAS of Madison moved the indefinite postponement of the Bill and all accompanying papers.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I will try to give you a little bit of background on this particular bill. This is a department bill, by the way. I put my name on it because there were a few changes that I did want to make with the bill.

First of all, the intent of the bill, to start with, was to eliminate the seven and one half pound limit on fish. If you can suppose you are out fishing, you are coming out of a pond and a game warden stops you and you are over the weight limit on fish and you try to explain to him which one is the one you caught last if they are all dead, this leaves a little leeway as far as I am concerned, little room for argument. This is one of the big reasons that I sponsored the bill for the department.

However, as the bill progressed through the committee, we had a lot of people there from sportsman alliance and various clubs throughout the state. They supported the uniform possession by numbers but they did not support the removal of the weight restrictions. They seem to think that that would hurt our sport fishing. We, in the great wisdom of the committee, went along with their thoughts because it was so heavy and we did put the seven and one half pound limit back on.

Then we came upon another problem. In the northern portion of the state where the streams and the brooks are much colder than they are in the southern portion of the state, your trout in that particular area are a smaller variety. This was also confirmed by the Department of Fisheries and Wildlife. The people in the northern portion of the state, from Houlton and all the way up, and even a little further south than that, were a little aggravated at this because they say, "If we buy a license and we go fishing and we can catch only five trout, there is no sense in even going. That is not enough to put any grease in the bottom of the pan for." They are right. If you have fished in the northern portion of the state, they are a smaller variety of fish. So the department did agree that they would change the number for the northern portion of the state to allow a few more trout so it would make it worthwhile to buy a license and go fishing. That is the status of the bill as it progresses right now.

It is not a bad bill and I think you should support the bill because it is a department bill. We have supported the department in most things. The Governor may not have but we have. I see their rationale. Sportsmen's Alliance, Fish Sheldon, who is a very learned man in the fishing portion of it, he sees the rationale for the L. D. As the L. D. stands as amended, it is a good bill.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I would just draw your attention briefly — by now if you are wondering why I get up and speak on so many of these bills, it is because my seatmate here gets me so excited and gives me all sorts of inside secrets as to what goes on in the committee and we sort of have this little running battle back and forth. I just draw your attention to the amendment, which has a filing number of H-398. There is an interesting little sentence in there that I think you ought to be aware of. He did mention that the trout are smaller in the northern part of the state. I can appreciate that. I do not live in the northern part of the state, but it is colder up there. For example, the other day they had a temperature of 94 degrees in Caribou, Maine, which I believe was the highest in the country at the time, but it is colder up there, I do not think there is any question about that and their fish are smaller. But there is an interesting little sentence in here. It says that from brooks, streams and rivers, three trout may be added to the five trout limit, for a total of eight trout, or no more than eight in the aggregate of salmon, togue and trout from any or all waters of the state except that in Aroostook County from brooks, streams and rivers. They go on to explain how many fish are allowed to be taken from Aroostook County and so on, but I thought it was kind of interesting that Aroostook County sort of was exempted from this amendment.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I think the reason for the difference in Aroostook County has been a traditional one, and that is that they have usually only one day of summer anyway; that was the other day. It was 94 degrees.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: For the benefit of my seatmate and colleague, Representative Green, Aroostook County is in the northern portion of the state. When we were down here sweltering in 85 degree heat about a month ago, we still had about a foot of snow in the woods up there.

That gives you an idea of why the waters in that portion of the state are colder.

The SPEAKER pro tem: The pending question is on the motion of the Gentleman from Madison, Mr. Elias, that this Bill and all 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.

Whereupon, Mr. ELIAS of Madison requested a roll call vote.

The SPEAKER pro tem: 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 Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote for indefinite postponement of this bill. I signed the "ought not to pass" report. The reason that I had was that every time that someone comes into this House, they want to change a law here or there. We just get used to one law when it is changed in some other direction. You are never going to get used to one. I do not believe this is a good bill and I would hope you would vote against it.

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

Mr. DOW: Mr. Speaker, Members of the House: I hope you vote against the indefinite postponement. All this bill actually does is take the pressure off the ponds that only have one species of fish in it. You take a pond that has only salmon in it, as the law is now, it calls for eight, so you could actually catch eight one pound salmon. This limits it to three. It is a conservation measure and I think that the waters in the state cannot stand the pressure. I hope that you will vote against the indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madison, Mr. ELIAS.

Mr. ELIAS: Mr. Speaker, Members of the House: I feel that maybe they should just centralize this bill on Aroostook County. You take the small ponds up in, say Jackman for example, you cannot fish these ponds. Some of them are shallow ponds and you cannot fish in them too long because in the middle of the summer they have lily pads that grow up and you cannot get your line in the water. Most of the people who fish are on like this weekend, Memorial Day weekend, and after that, the ponds are safe from the fishermen.

I do not feel that you should make someone come all the way from Gardiner or Madison or wherever and go 25 miles in the woods just to catch five fish. I think they should at least have eight and keep the law the way it is today.

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

Mr. MILLS: Mr. speaker, Ladies and Gentlemen of the House: This same type of legislation has been in here before. It has been addressed and we have tried to work it out. This one here is a compromise between the department, the sportsmen's alliance and the committee. I consider this the best answer we have had yet on this kind of legislation.

Mr. McKean of Limestone was granted permission to speak a third time.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I will make it very short. In deference to my good friend, Mr. Rollins, who I respect and admire, if it were not

for the changes in the laws and the addition of new laws, we would not have a job.

As far as the bill itself, this is a conservation measure. Your votes in this House have shown us conservation throughout. The moose bill is a good example. So let us continue our conservative methods.

The SPEAKER pro tem: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to inform the gentleman from Limestone that if I was not here, I would have a job in some other place.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Madison, Mr. Elias, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Blodgett, Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carroll, Chonko, Connors, Curran, Davies, Dexter, Dutremble, Elias, Garsoe, Gillis, Goodwin, H.; Gray, Greenlaw, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Joyce, Kelleher, Kilcoyne, Laffin, Littlefield, Lizotte, Locke, Lynch, Mackel, McHenry, McPherson, Moody, Nadeau, Nelson, M.; Nelson, N.; Peakes, Pearson, Perkins, Post, Prescott, Rollins, Shute, Silsby, Spencer, Sprowl, Stubbs, Teague, Tierney, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman.

NAY — Ault, Bachrach, Bagley, Bennett, Benoit, Berry, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Carey, Carrier, Carter, D.; Carter, F.; Churchill, Clark, Connolly, Cox, Cunningham, Devoe, Diamond, Dow, Drinkwater, Dudley, Durgin, Fenlason, Flanagan, Fowlie, Gauthier, Gill, Goodwin, K.; Gould, Green, Hall, Henderson, Hutchings, Jackson, Jacques, Jensen, Kane, Kerry, Lewis, Lougee, Lunt, MacEachern, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McKean, McMahon, Mills, Mitchell, Morton, Najarian, Norris, Palmer, Peltier, Peterson, Plourde, Quinn, Raymond, Rideout, Sewall, Smith, Stover, Strout, Talbot, Tarbell, Tarr, Theriault, Torrey, Tozier, Tynedale, Whittemore.

ABSENT — Austin, Beaulieu, Bunker, Cote, Jalbert, LaPlante, LeBlanc, Mahany. Yes, 64; No, 78; Absent, 8.

The SPEAKER pro tem: Sixty-four having voted in the affirmative and seventy-eight in the negative, with eight being absent, the motion does not prevail.

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

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

Mr. Burns of Anson requested a division.

The SPEAKER pro tem: All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 84 having voted in the negative, the motion did not prevail.

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

Bill "An Act to Require Drivers License Renewal Examinations" (H. P. 397) (L. D. 509) (C. "A" H-399) (Later Reconsidered)

Bill "An Act to Authorize Bond Issue in the Amount of \$5,470,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine" (H. P. 613) (L. D. 750) (C. "A" H-391)

Bill "An Act to Provide for Visitation Rights

for Grandparents of Children Involved in Divorce or Custody Proceedings" (H. P. 704) (L. D. 885) (C. "A" H-400)

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

Bill "An Act to Provide for Legislative Review of Federal Grant Applications by State Agencies" (H. P. 1393) (L. D. 1636) (C. "A" H-392)

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

Mrs. Kany of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-411) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Members of the House: A brief explanation. The amendment basically just clarifies the language and assures that non-discretionary funds used by the state for state programs would be included in reference to federal grant applications. The language was suggested by Don Alexander of the Attorney General's Office.

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act to Adjust the Civil Process Fees and Travel Allowances for Deputy Sheriffs" (H. P. 1378) (L. D. 1571) (H. "A" H-394 to C. "A" H-375)

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.

On motion of Mr. Burns of Anson, the House reconsidered its action of earlier in the day whereby Bill "An Act Clarifying the Saco River Corridor Commission Statute," House Paper 1281, L.D. 1517, was ordered to appear on the Second Day Consent Calendar tomorrow.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-425) was read by the Clerk.

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

Mr. BERRY: Mr. Speaker, Members of the House: I was just wondering if someone would be kind enough to explain this to the members of the House.

The SPEAKER pro tem: The gentleman from Buxton, Mr. Berry, has posed a question through the Chair to anyone who may care to answer.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry we did not have an explanation earlier on this. This bill is primarily a housekeeping bill for the Saco River Corridor Commission, changing a few problems that the commission did have. The emergency measure here is to allow the area up there to issue fire permits which is absolutely necessary for this upcoming weekend when they expect to be very busy. Under a recent Attorney General's opinion, these people, unless given this enabling legislation, would not be able to do so. This is why we would like to push it through right now.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the ex-

planation. I guess it is not the amendment that I was too much concerned with, it is the contents of the bill. Would it be in order if that were explained at this time?

The SPEAKER pro tem: The gentleman from Buxton, Mr. Berry, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, Members of the House: I will try to be brief and answer the questions Mr. Berry has. They are very minor changes. One is the request of a member of the commission and it was voted on by the commission to change a section of law which says 'criteria' and strike 'criteria' and call it 'performance standards' because in the original law, 'performance standards' was used in one spot, 'criteria' was used in another and that was confusing to them, so that is one change. Another change is to put a definition of what the high tide mark is to mean high water mark, which is just so that people out in the field will be able to use that as a definition as to at what point start measuring back from the edge of the water.

Another part is to clarify another little section where in the original bill they wanted to grandfather in the people who owned lots, that they would be able to receive a variance, even though they may be in the flood plain. This was meant to be for small lots, not for a piece of land that went back for several thousands of feet, for instance, so what we did was change it to say "wholly within the corridor," so that people who are outside the corridor would not be involved in it, just if they owned land that was in the corridor. Those are the changes in the bill.

I would say that it is very necessary that we pass this because as it is now, the fire wardens in my district cannot issue any fire permits to the campers who are using the river. The people who own the land and allow the people to camp there, bring their canoe along, board somewhere and camp, are concerned because there is no control over the campfires and, as you know, it is pretty darn dry. If we don't get this passed by this weekend, we will be having literally hundreds and maybe even a thousand or two thousand people this weekend going down the river with no control whatsoever on them in terms of campfires. So I would ask the House to please pass this.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman for the explanation. I have been following the Saco River Corridor legislation for some years and in particular some legislation this year. However, during the hassle, I did lose track of what was happening with this particular bill. I can appreciate the urgency, but the urgency, at the same time, makes me a little bit nervous. I don't know whether one day would make any particular difference or not, but I would at least like the opportunity to find out just exactly what is going on with that piece of legislation. Therefore, I would hope that somebody would make a tabling motion for one day.

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

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

Mr. STROUT: Mr. Speaker, I would move that we reconsider our action whereby Bill "An Act to Require Drivers License Renewal Examinations" (H. P. 397) (L. D. 509) (C. "A" H-399) was passed to be engrossed.

The reason that I do this is because I was under the impression that an amendment was go-

ing to be offered this morning and I would ask the members of this House to reconsider.

Mr. Green of Auburn requested a division.

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

Mr. BURNS: Mr. Speaker, I would pose a question through the Chair to the gentleman from Corinth, Mr. Strout. Is this due to a technical problem?

The SPEAKER pro tem: The gentleman from Anson, Mr. Burns, has posed a question through the Chair to the gentleman from Corinth, Mr. Strout, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: No, the answer to the question is, I understand this was going to be changed from alternate to third time after the age of 40, which would mean 12 years instead of 9, and this is why I feel that I might be able to go with the amendment and I would ask the House to reconsider.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: There is a technical problem with this bill and a bill that is currently on the desk of the Governor. We were going to allow it to go to the Senate and correct it there but we could take care of it here.

The SPEAKER pro tem: The pending question before the House is on the motion of the gentleman from Corinth, Mr. Strout, that the House reconsider its action whereby this Bill was passed to be engrossed. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

On motion of Mr. Higgins of Scarborough the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-429) was read by the Clerk.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Corinth, Mr. Strout. As he has already indicated, the amendment does change from the 8 year period to a 12 year period, which at the most, according to my calculations, would mean that an individual would only be subjected to three possible eye examinations within a period of between the age 40 and 65, and I would hope that this would make it a little bit more palatable to members of the House.

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

On motion of Mr. Burns of Anson, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto and tomorrow assigned.

Passed to be Enacted Emergency Measure

An Act Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers (S. P. 213) (L. D. 662) (H "A" H-343 to C "A" S-125)

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. 109 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.

Emergency Measure

An Act to Award Transitional Allowances to

Permanent Full-time and Limited Period Full-time Unclassified Employees and to Award Appeal Period Allowances and Transitional Allowances to All Permanent Part-time Employees, Both Classified and Unclassified (H. P. 309) (L. D. 400) (H "A" H-373 to C "A" H-292)

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. 112 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

RESOLVE, to Appropriate Moneys for Research on Blackfly Biology and Continued Research on an Environmentally Safe Insecticidal Control for Blackflies (H. P. 291) (L. D. 348) (H "A" H-361)

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

Whereupon, Mr. Davies of Orono requested a roll call vote.

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

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

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would thank the gentleman from Stonington, Mr. Greenlaw, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr. Greenlaw to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

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

Mr. DAVIES: Mr. Speaker, Members of the House: As you may recall, a number of days ago we placed an amendment on this bill which took away its most offensive section, and I would call your attention to House Amendment H-361, which is the amendment which removed those provisions. The way the bill stands right now, none of the monies that would be appropriated under this measure can be used for field testing of any insecticides. All the research will be done in the laboratories or will be done in analyzing the economic impact of black flies, the medical impact on black flies and what benefits might accrue should we come up with any method that is environmentally safe to control black flies.

So, the environmental problems with this bill have been removed. I think it is a good measure. The people in central and northern Maine who are most seriously bothered by this problem of black flies have urgently requested that the legislature pass this measure so that some attempt can be made to come up with some answers on this very serious problem, economically and healthwise.

I would urge you to vote for this bill and I would remind you again that the environmental problems have been removed.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I sympathize with the problems the black flies cause and I hate very much to speak against this bill. However, the argument of the proponents when they came

before the Natural Resources Committee was that this money was necessary in order to test these various pesticides in the field, and if that is no longer the case, then I would hope you would vote "ought not to pass" because the monies are now clearly not necessary.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I beg to differ with the good gentlelady from Falmouth, Mrs. Huber.

There are a number of areas that still need to be researched. Though we are not going to be going out into the field to do any testing of any insecticides, as was judged to be the opinion of this House as unnecessary, there are a number of economic and medical problems that have come up that we would like to investigate so that we would have some information on this problem.

For instance, a number of people who came to testify at the hearing and at an ad hoc hearing that was conducted in the town of Orono last summer, there are a number of economic health problems that have come up. For instance, there are a number of individuals who are campground operators who say that black flies have significantly cut into their business during the summer, driving away campers, which means that they lose money, they pay less taxes, they employ fewer people. There are a number of people who suffer serious health problems, who have acute reactions to the bite of the black fly, the result being that they have to receive emergency medical treatment.

We want to look into how significant this is, how serious it is, what the economic impact is in terms of money spent on health care. It was pointed out that in four hospitals in the Penobscot Valley during last year, there were probably 500 or 600 people who went in to receive some sort of treatment for black fly bites. I think this is a significant problem that warrants further investigation, and that is what the money that is appropriated under this bill is going to be used for, not for any chemical sprays, not for any treatment of waters, not for any experiments out in the field, but to do some basic research on the biology of the black fly and also on the economic and health impacts of the problem and what might be done and what the benefits might be should we ever come up with an environmental safe method of controlling black flies.

I urge you to take this very small step to give some encouragement to the people of northern and central Maine who suffer from this problem beyond the period that is normal for black flies, continuing on into the Fall months, into October and November. I hope you will give it serious consideration and hope you will vote yes on this final enactment.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I wish some of you people could be up in our area, probably about now and the next three or four weeks. I think you would find that there are quite a few flies up there.

As a matter of fact, in the town of Monson alone, I have a petition that was signed by around 60 people, and I think probably this is the same in Sangerville and down through into Milo and into Brownville. These towns down that way have felt as strong in regard to this that they have raised money already to put toward this, so I see no harm in passing this bill and let it go on its way.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I have here on my desk an envelop containing 2,600 signatures. They were gathered over a two-day period in the Lincoln area. If you don't think this is a

problem, look over these signatures.

The SPEAKER: A roll call has been ordered. The pending question is on final passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bnenett, Benoit, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Devoe, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Lizotte, Locke, Lunt, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McKean, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Perkins, Plourde, Post, Prescott, Quinn, Rideout, Sewall, Shute, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Berry, Berube, Brown, K. L.; Bunker, Conners, Dexter, Durgin, Garsoe, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jensen, Laffin, Lewis, Littlefield, Lougee, McHenry, McMahon, McPherson, Peltier, Peterson, Raymond, Rollins.

ABSENT — Cote, Cunningham, Dudley, Gauthier, Jalbert, LaPlante, LeBlanc, Mahany, Silsby, Tarr.

Yes, 115; No, 26; Absent, 10.

The SPEAKER: One hundred and fifteen having voted in the affirmative and twenty-six in the negative, with ten being absent, the Resolve is finally passed.

Signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act Relating to Conduct of Examinations (S. P. 97) (L. D. 226) (C "A" S-149)

An Act to Authorize the University of Maine to Execute a Charitable Gift Annuity with a Donor (H. P. 63) (L. D. 88) (C "A" H-358)

An Act Relating to Abandoned Safety Deposit Boxes (H. P. 184) (L. D. 246) (C "A" H-355)

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.

An Act to Provide that Humane Shelters Selling or Giving Dogs away must Notify the Town Clerk of the Sale or Gift (H. P. 561) (L. D. 678) (C "A" H-336)

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

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House; Because this is such an important bill for the town and city clerks of the State of Maine, I would ask that the vote be taken by the yeas and nays.

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 before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Benoit, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Carrier, Carroll, Churchill, Conners, Cox, Curran, Dexter, Diamond, Drinkwater, Gauthier, Green, Hall, Henderson, Hickey, Hobbins, Hughes, Jackson, Kany, Kelleher, Kerry, Kilcoyne, Lewis, Locke, Lynch, Martin, A.; Masterman, Maxwell, McKean, McMahon, Mills, Morton, Nelson, M.; Nelson, N.; Norris, Peltier, Plourde, Post, Prescott, Quinn, Rollins, Sewall, Stubbs, Tarr, Theriault, Tierney, Torrey, Trafton, Truman, Tyndale, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bennett, Berry, Berube, Birt, Brown, K. L.; Brown, K. C.; Bunker, Bustin, Carey, Carter, D.; Carter, F.; Chonko, Clark, Connolly, Cunningham, Dow, Durgin, Dutremble, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jacques, Jensen, Joyce, Kane, Laffin, Littlefield, Lizotte, Lougee, MacEachern, Mackel, Marshall, Masterton, McBreairty, McHenry, McPherson, Mitchell, Moody, Nadeau, Najarian, Peakes, Pearson, Perkins, Peterson, Raymond, Rideout, Shute, Smith, Spencer, Sprowl, Strout, Talbot, Tarbell, Twitchell, Valentine.

ABSENT — Blodgett, Burns, Cote, Davies, Devoe, Dudley, Elias, Jalbert, LaPlante, LeBlanc, Lunt, Mahany, Palmer, Silsby, Teague, Tozier.

Yes, 62; No, 73; Absent, 16.

The SPEAKER: Sixty-two having voted in the affirmative and seventy-three in the negative, with sixteen being absent, the Bill failed of enactment.

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

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

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, having voted on the prevailing side now moves that the House reconsider its action whereby this Bill failed enactment.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: The old adage. This is my bill. The gentleman from Corinth, Mr. Strout, is against the bill but under present law, a veterinarian, humane society or shelter must notify the clerk of its municipality and give a description in order to obtain the \$1.50 fee from the state for caring for a dog. In other words, if they pick up a stray, they already have to notify the town clerk and give a description of this dog in order to receive the money from the state.

All I want to do with this bill is have the vet or humane society contact the town clerk when they give away a dog that is a puppy to let the town clerk know in that area that there is going to be a dog.

Under present law, you don't have to license a dog until it is six months old. But what do you do with a puppy? There are many towns and cities in the area that have a hard time keeping track of dogs. Maybe you do not have this in the country, but I don't like dogs roaming around and doing certain things to our lawn at home. We want to keep track of them. That is all we are asking. I did put it in for my town clerk and many of you probably know who the town clerk in my city is but that goes without saying.

I urge you to reconsider and help me pass this bill.

The SPEAKER: The Chair will order a vote. Those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: The Chair recognizes the

gentleman from Sanford, Mr. Wood.

Mr. WOOD: I request a roll call.

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 Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I think that we, as members, owe it to our town clerks to check with them to find out if they are in favor of this bill. I think you will find out that they are. The committee on agriculture dealt with many dog bills. I was amazed to find out that agriculture dealt with dogs. This session, unfortunately, we tried to deal with the problems and most of our bills have come out and been killed. I would hope that if you decide to kill this one, that you would just stop sending us dog bills.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I have taken advantage of Mr. Wood's suggestion and I spent the very late evening hours with the city clerk in Waterville last night who is in opposition to this bill.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I will just make a few comments to the gentleman from Sanford, Mr. Wood, that I have done my homework. The town clerks are not in favor of this bill. I think there is one other point here that the requirement that they be notified in five days is going to create a habit.

I would urge all of you to vote not to reconsider.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to belabor this bill but it seems that I get all the hot items this year from suckers to dogs. I had four dog bills myself.

I don't know why the gentleman from Waterville, Mr. Carey a very intimate friend and town clerk was against the bill. I can say my town clerk was for it.

I just ask you to reconsider and let this go on its merry way.

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

Mr. HOWE: Mr. Speaker, Members of the House: As one who has had the fortune of having a dog bill pass through this body and the Senate, unanimously and be enacted into law, the only dog bill I had before this session, I am in sympathy with the gentleman from Sanford and I am going to vote to reconsider.

The SPEAKER: A roll call has been ordered. The pending question before the House is on reconsideration. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Benoit, Boudreau, A.; Brenerman, Bustin, Carroll, Clark, Cox, Curran, Dexter, Diamond, Elias, Fowlie, Goodwin, H.; Goodwin, K.; Green, Hall, Henderson, Hobbins, Howe, Hughes, Jensen, Kelleher, Kerry, Locke, Lynch, Martin, A.; Masterman, Maxwell, McKean, McMahon, Mills, Nadeau, Nelson, M.; Nelson, N.; Norris, Pearson, Peltier, Post, Prescott, Quinn, Rollins, Sewall, Stubbs, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Valentine, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Austin, Bagley,

Beaulieu, Bennett, Berry, Berube, Birt, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carrier, Carter, D.; Carter, F.; Churchill, Conners, Connolly, Cunningham, Devoe, Dow, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Greenlaw, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kane, Kany, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Mackel, Marshall, Masterton, McBreairty, McHenry, McPherson, Mitchell, Moody, Morton, Najarian, Peakes, Perkins, Peterson, Raymond, Rideout, Shute, Smith, Spencer, Sprowl, Stover, Strout, Tarbell, Twitchell, Whittemore.

ABSENT — Biron, Blodgett, Chonko, Cote, Davies, Dudley, Jalbert, LaPlante, LeBlanc, Mahany, Palmer, Plourde, Silsby, Teague, Tynedale, The Speaker.

Yes, 56; No, 79; Absent, 16.

The SPEAKER: Fifty-six having voted in the affirmative and seventy-nine in the negative, with sixteen being absent, the motion did not prevail.

An Act to Regulate the Placing by Nonutilities of Electric Utility Facilities within Public Ways (H. P. 719) (L. D. 854) (C "A" H-340)

An Act Relating to Workmen's Compensation for State Law Enforcement and Institutional Personnel (H. P. 874) (L. D. 1067)

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

Enactor

Later Today Assigned

An Act to Increase the Tax on Fire Insurance Premiums to Aid in Arson Investigation by the State Fire Marshal's Office (H. P. 961) (L. D. 1153) (C "A" H-357)

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If you look at the Statement of Fact on L.D. 1153, it says the purpose of this bill is to increase the dedicated funds available for the state fire marshal's office which will allow greater arson investigation capabilities. The increased amount will be approximately \$125,000 annually.

My question is to the sponsor out of the committee that heard it is: "What is the budget they have now and is it necessary for the consumers to have to pump in \$125,000 to this department?"

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

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

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: In response to the inquiry of the gentleman from Bangor, Representative Kelleher, I am afraid that I don't have the budget figure for this department before me at this time. I would be glad, however, to provide him with that information.

I would call your attention to this measure, L.D. 1153, which was a unanimous committee report from the Committee on Business Legislation. This bill is in direct response to the increased arson incidents across our state. It is not only supported by the department of public safety and the state fire marshal's office in particular, but the very insurance industry whose premium tax will be increased. I will suggest that we let this bill proceed on its way in a positive manner.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps time has come when we consider this particular office as others, that we start taking money out of the General Fund and not continually taking it out of the consumer's pockets that are paying the operation of this office. I think it is highly unnecessary.

I move the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from So. Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would hope that you would vote against the motion to indefinitely postpone. I think this bill is definitely needed. I have dealt with the fire marshal's office on two levels. One: in a lot of bills coming before our committee, the fire marshal's office deals with a lot of licensing and fire inspections of a lot of nursing homes, boarding homes, etc. Although this money is not to cover that, I have talked with him at great lengths about his budgetary problems and he does have problems.

Recently South Berwick had a fire that was suspected of arson. In talking with the fire marshal's office investigating this and going over his caseload and trying to get him to work on this investigation, I just sat down and talked with him about the various other investigations he has got underway. It is just impossible for him to cover all of these things. The arson rate has increased tremendously. If the representative from Bangor wants to put this under the general fund, let him come in and introduce a bill for it. The problem is right now. The state fire marshal's office is having a terrific problem right now in meeting their responsibilities right now. If he wants to come in and put them under the General Fund and appropriate the money, fine. But let's have a bill to do that. We have got an immediate problem that needs an immediate solution.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of points here. Arson, I would not use the term "epidemic" but there is certainly a great deal of it going on in the state, it is very hard to prosecute someone for arson. The cost for this is directly borne by all of us who have fire insurance on our homes. The industry has asked for this extra money. They have in the last year or so done a great deal of trying to combat this but they need more money and they need the ability to combat this. We talk about the cost to the consumer. If something is not done directly to help combat the problem of arson, the cost is directly passed on to the consumer and all of us will be paying it in our fire insurance rates. This was a unanimous committee report. I hope very much that you will pass it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I might ask the question to Mr. Jackson or Mr. Goodwin, "what is the operation budget of this particular department?"

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

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

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I have requested that the Page go down to room 135 where the information is located and would hope that maybe someone would table this bill to later in today's session.

On motion of Mr. Howe of South Portland.

tabled pending the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill and all its accompanying papers be indefinitely postponed and later today assigned.

An Act to Repeal Certain Laws Relating to Corporations (H. P. 1066) (L. D. 1293)

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

An Act Relating to Time Limitation on Providing Written Reasons for Termination of Employment (H. P. 1085) (L. D. 1309) (C "A" H-349)

An Act to Authorize Educational Rehabilitation under the Workmen's Compensation Statutes (H. P. 1188) (L. D. 1424)

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

An Act to Prohibit the Use of Offensive Names for Geographic Features and Other Places Within the State of Maine (H. P. 1418) (L. D. 1661) (H "A" H-372)

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

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

Mr. CARRIER: Mr. Speaker, Members of the House: Very briefly, I stand today to ask for roll call when this is taken. My reason is that I have great objection to this bill, great reservations. The main one was at any grievance that was to be brought up was to be given to the Human Rights Commission. When we had a brief talk on this before they said "we will take care of the Human Rights Commission later".

I did have a bill in there to kind of try to straighten out some of the things about the Human Rights Commission which I think is wrong. As you noticed yesterday probably, I got an unfavorable report "Ought Not to Pass." I do not think that I deserve that kind of a report. I think that that particular rule that we have 20 A is really no good. I have always felt that way because if you get a unanimous "Ought to Pass" Report, you have the chance to discuss it but you don't have a chance to discuss "Ought Not to Pass" Reports. I don't think we had that rule before but that was passed and I think it was a bad rule. I did give you a chance then and I was hoping to be able to straighten out this Human Rights Commission. For that reason and for many other reasons, I have great reservations on this bill. I object to the bill. When the vote is taken, I ask for a roll call.

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 before the House is on passage to be enacted of L. D. 1661. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies Devoe, Diamond, Dow, Drinkwater, Durgin, Elias, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hendersen, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Im-

monen, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Locke, Lunt, MacEachern, Marshall, Martin, A.; Masterman, Masterton, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Peltier, Plourde, Post, Quinn, Rideout, Rollins, Sewall, Shute, Silsby, Spencer, Stover, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Ault, Austin, Brown, K. L.; Carrier, Carter, D.; Carter, F.; Conners, Dexter, Dutremble, Gauthier, Gillis, Gray, Green, Hunter, Jacques, Lewis, Lizotte, Lougee, Mackel, McBreairty, Perkins, Peterson, Raymond, Smith, Sprowl, Strout.

ABSENT — Bachrach, Carroll, Dudley, Fenlason, Flanagan, Hall, Jalbert, LaPlante, LeBlanc, Littlefield, Lynch, Mahany, Maxwell, Palmer, Prescott.

Yes, 109; No, 26; Absent 15.

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

Signed by the Speaker and sent to the Senate.

An Act to Clarify the Confidentiality Provisions of the Maine Housing Authorities Act (H. P. 1570) (L. D. 1784)

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

Orders of the Day

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

Bill, "An Act to Increase the Salaries of the Judiciary" (H. P. 310) (L. D. 401) (C. "A" H-379)

Tabled — (Till Later Today) May 25, 1977 by Mr. Biron of Lewiston.

Pending — Passage to be Engrossed.

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

Mr. KELLEHER: Mr. Speaker, I move that the House reconsider its action whereby it adopted Committee Amendment "A".

Mr. Joyce of Portland requested a division.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I rise on a point of information. Do the rules have to be suspended?

The SPEAKER: The Chair would answer in the affirmative.

Mr. KELLEHER: Well, I was misinformed this morning that, in fact, that was the case. However, I do hope the House suspends the rules.

The SPEAKER: The Chair would advise the gentleman that he can't debate that.

The SPEAKER: The Chair will order a vote. The pending question is suspension of the rules. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 20 in the negative, the motion did prevail.

On motion of Mr. Kelleher of Bangor, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-426) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and

Gentlemen of the House: This amendment that I offer to this bill strikes away the \$3,500 increases for the first year of the \$7,000 for the total year and it supplements it with a 5 percent increase for the judicial court systems of the state. It would give \$1,375 to the Supreme Chief Justices, it would give a \$1,500 increase in salary to the Associate justices; it would give \$1,275 to the 14 Superior Court Justices; it would give to the retired justices, \$975 respectively; on the superior court, it would give them \$956; it would give the widows of any of these Associate Justices \$487; \$515 to any widow of any Chief Justice and \$478 to the Superior Court Justices, and I might add that they do well. Considering their retirement now, the Supreme Chief Justice would receive somewhere in the area of \$20,000 a year; the Associate Justices of the Supreme Court would get a measly \$19,500 a year; the Superior Court Justices would get \$19,125 a year; a District Court Chief Judge, if he is retired, \$18,000 a year; the District Court Judges, the Associate Judges, \$17,000 and so on down to the widows, \$10,000; \$9,700; \$9,500; \$9,000 and \$8,000.

I can appreciate the efforts of the Appropriations Committee and I would hope that this House would support my amendment. I think it is reasonable. A 5 percent increase based on what their earnings are now is a considerable amount of money. When the fellow and his wife sit home and wait for their Social Security Check, they would like to get a \$1,300 a year increase, I am sure, or the guy that is working for a living that is taking home maybe \$6,000 or \$7,000 in salary, they would like to have a \$1,300 or \$1,400 a year increase.

I think this is consistent with what we have available for funds in this state and I would urge the House and hope the House would support my amendment.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I rise to oppose this amendment. It is my opinion that it completely emasculates the bill as it came out of the Appropriations Committee. It would now give us the dubious distinction for our Supreme Judicial Court Justices of being paid 49th in the nation rather than 50th, and I might point out that it also would result in the superintendent of schools in the City of Bangor receiving more than the justices in our court system.

I know that this bill is going to have to be pared down, probably, before we are through, but I think it is too soon right now. We don't know what the financial picture of the state is, and I think the time to do it is when we do have a true revenue estimate. It certainly would be a lot easier to pare it down than it would be to try to undo the damages, which I feel this amendment does, and I would respectfully request that you indefinitely postpone this amendment. When the vote is taken, I ask for the yeas and nays.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would concur and move to indefinitely postpone this. I am looking for less money than what is offered in Committee Amendment "A"; I am looking for a little more money than what has been offered by this particular amendment. It is my understanding that there are other amendments floating around, but this, percentagewise, this 5 percent, is less money than the City of Waterville just granted to its janitors.

I think many of you know of my love and concern for the judges in the system in Maine when I was the one, in deference to the decorum of the House, I will try to refrain from making the exact remarks that I made at that time in my very dear concern for the judges, that it would be a cold day in "H" before they got any money

and that was last year. We were able to refrain from giving them any money and now is the time that inflation, or whatever you want to call it, has caught up with us. So, I can buy a 10 percent figure if somebody has 10 percent; 5 percent is totally inadequate as far as I am concerned.

You are not talking about retired justices. As the gentleman would point out, they may be making \$19,000 after they are retired, but what you are pointing out is that they are active judges, those are the ones we are giving the raise to, the others obviously will get a raise if this raise goes through, the retired ones. A retired justice is not really retired. If you will look at the work that Ms. Bellshaw has been doing, retired judges and justices have been forced to put in a minimum of two days a week on a work schedule when they are supposedly retired, so they may be just called semi-retired.

I would certainly hope that motion to indefinitely postpone does prevail.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to my good friend, the mayor of Waterville. He mentioned that the 5 percent was too much; I would like to know if there are any janitors earning \$25,000 a year?

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: We have a pay plan in the City of Waterville and people get paid based on the degree of skills that they have attained on certain jobs, the degree of authority that they have in a position, the degree of responsibility that they have, and each one of those steps allows you to have more money. We also have a seniority system. I think the gentleman misquoted me when he said that I thought the 5 percent was too much. I said that 5 percent may not be enough. I would buy 10 percent, although I certainly will not buy \$3,500.

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

Mr. GAUTHIER: Mr. Speaker, I did not get my answer. I would like to know what they are earning.

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

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

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

Mr. QUINN: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If Mr. Jalbert were here, he would be voting yes; and I would be voting no.

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

Mr. CHURCHILL: Mr. Speaker, I would like to pair my vote with Mr. Palmer of Nobleboro. If Mr. Palmer were here, he would be voting yes; and I would be voting no.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bath, Ms. Goodwin, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Biron, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carter, D.; Carter, F.; Chonko, Clark, Conners, Cox, Cunningham, Curran, Davies, Devoe, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.;

Gould, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, Mackel, Marshall, Masterman, Masterton, McBreairty, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Norris, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Sewall, Silsby, Smith, Spencer, Stover, Stubbs, Talbot, Tarbell, Theriault, Tierney, Torrey, Tozier, Truman, Valentine, Whittemore, Wilfong, The Speaker.

NAY — Berry, Berube, Blodgett, Carrier, Carroll, Connolly, Cote, Dexter, Diamond, Gillis, Gray, Green, Hall, Howe, Hunter, Kelleher, Kerry, Kilcoyne, Laffin, MacEachern, Mahany, Martin, A.; McHenry, McKean, McMahan, Nelson, M.; Nelson, N.; Raymond, Rideout, Rollins, Shute, Sprowl, Strout, Tarr, Teague, Twitchell, Wood, Wyman.

ABSENT — Dudley, Gauthier, LaPlante, LeBlanc, Maxwell, Mills, Prescott, Trafton, Tyndale.

PAIRED — Churchill, Jalbert, Palmer, Quinn.

Yes, 100; no, 38; Absent, 9; Paired 4.

The SPEAKER: One hundred having voted in the affirmative and thirty-eight in the negative, with nine being absent and four paired, the motion does prevail.

Thereupon, Committee Amendment "A" was adopted.

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

Mr. QUINN: Mr. Speaker, Members of the House: One moment in sadness, this next vote which we are essentially obligated to take, it sends the bill down the hall with a \$7,000 raise. I am sort of sorry to see it go, but I will have to vote for it.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: The good gentleman from Waterville, a few minutes ago, said that he wasn't going to buy this amendment because it was not enough and yet he wasn't going to buy \$7,000 over the biennium because that was a little too much and that there were other amendments floating around. I am not about to buy a \$7,000 increase, personally. I bought the 5 percent reluctantly, because I too, like the good gentleman from Waterville, feel that that is not even comparable to what we gave our municipal employees for the City of Auburn for a cost of living increase in the past year.

I would like to see some of those other amendments that are so-called floating around and I would request a roll call.

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

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

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

Mr. BIRON: Mr. Speaker, I would like to pose a question through the Chair to any member in this House: has anyone prepared an amendment, another amendment that I have not yet seen?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The only answer that I can give your question, Mr. Biron, is that when I went in to pick up my amendment this morning, it was the understanding, as I understood it to be, that there were other amendments coming out of the Research Office. Whether anyone has gone through with that, apparently they

haven't because the amendments aren't here.

The \$7,000 is too high for me to buy.

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

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

Mr. TIERNEY: Mr. Speaker, I request a division.

The SPEAKER: The pending question before the House is the motion of the gentleman from Lewiston, Mr. Biron, that this be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 74 in the negative, the motion did not prevail.

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

Mr. QUINN: Mr. Speaker, Members of the House: Just to clarify what has occurred since we began seeing a demonstration of the power of two thirds of the Democratic leadership on a tabling motion. If you vote no on this motion today that is before you right now, this bill will go down the hall and will come back. There is no way that it cannot come back. When it comes back, hopefully they will have offered some other reasonable amendments to the bill.

I agree with the kind of things that Mr. Carey has said. I am perfectly willing, as I said yesterday, to give a raise to these people, I simply resent being boxed in to a \$7,000 raise, particularly when my leadership is doing it. If you don't want to table, that has been decided, but I would suggest that we send a fairly clear message to the body down the hall, if you vote yes and they vote yes, when that bill comes back to us, then we are in a box, there is nothing we can do with it, because in order to offer an amendment at that time, you would have to suspend the rules, which takes a two-thirds vote, which obviously we objectors couldn't arrive at. I would suggest that you send a no vote down today even if you are in favor of some kind of raise. This will give us a chance to get a decent shot at it.

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

Ms. GOODWIN: Mr. Speaker, Members of the House: I would suggest that if the gentleman from Gorham were boxed in, he built the box himself.

We have already extended the courtesy of giving the suspension of the rules on a two-thirds vote and there is nothing to say that we might not do that again.

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

Mr. TIERNEY: Mr. Speaker, Members of the House: I heartily concur with the gentledady from Bath. Although this discussion verges on the silly, I guess I have to respond to my seatmate's comments.

If you will remember, this bill arrived on our calendar Monday morning. At that time, it was tabled for one legislative day, giving people ample opportunity for an amendment. It was thoroughly debated on Tuesday. On Wednesday, the issue came up and again, and even though the tabling motions were defeated. Through conferences between the Speaker, the Minority Leader and myself, we decided to allow the bill to appear on Unfinished Business to give people the opportunity to present an amendment. Despite my personal opposition to the amendment, I was more than willing to go along with the good gentleman to suspend the rules for Mr. Kelleher so he would have the opportunity to present it and debate it.

Now it is Thursday, four days we have had this bill in this body, ample opportunity for any individual, including my good seatmate, to prepare any amendment he so desired to present to this House.

Now, I suggest that we are at the point where

the bill is passed to be engrossed. If you don't like the bill the way it is, vote against it. If you like it the way it is, vote for it.

As far as the ultimate position, the good gentleman knows full well that in the final days of the session, the Appropriation Committee will be reducing these appropriations on any of the bills which will be lying on the table. Should they reach the table, this bill would have to complete with all of the other issues, as has amply been debated on Tuesday when we dealt with this issue for so long.

So please, no more references to strong arms and shoving this bill along. We have had it in this House for four days and that is certainly enough time for each of us to make up our own minds.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Earlier I was asked a question by the gentleman from Sanford, Mr. Gauthier, and I was unable to answer it in the manner that he would have liked to have it answered. I would point out to him that the salaries for our janitors runs to about \$9,000.

I would also like to say at this time that I had a conversation this morning with the gentleman from Bangor, Mr. Kelleher, who had assured me that having gone through the Legislative Research Office, that they were preparing in excess of four amendment for this particular bill. When he asked me for my support on his 5 percent and he said that certainly there was one coming down the pike. I couldn't even find his amendment on my desk this morning in the newest pile, so I was obviously unable to find any others.

As for the comments made by the Majority Leader, Mr. Tierney, about the appropriation table and things going off and the fact that we have held this bill up for some time now and it is already Thursday. The bill doesn't take effect until the 1st of July, which is well over a month away, so I am not really that concerned. Even if we were to pass it out, it would rest on the Appropriation Table until the last days of the session. I am a little concerned that once we get this thing passed, it goes to the Senate and is not amended at that time and comes back as an enactor, then we have to depend on the Senate to back it up and what have you to get it back into the condition that we would like to have it. By then, we have lost our last crack at that particular bill.

I would not hold up the bill at engrossment. I will certainly, unlike the gentleman from Gorham, Mr. Quinn, support the engrossment of this bill at this time and hope that the Senate does take the action that we hope they might take, but if it comes back at \$7,000, at enactment I will not be able to support this measure.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask Mr. Tierney a question, our leader of the Democratic Party. The many times that he got up and spoke on this bill, he spoke against it and this time he had a chance to be fair as a leader and to table it for a day or two. There is no reason why that bill couldn't have been tabled. I would like to know if he is debating this bill as our leader or as a lawyer?

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

Mr. TIERNEY: Mr. Speaker, Members of the House: I would like to inform the gentleman, first of all, that I am not against the bill, I am for it. I would like to inform him, secondly, that he has spoken on this bill many more times than I have; I have only spoken twice. I would like to say, thirdly, that I speak on this bill as James E. Tierney, Attorney-at-Law, legislator, Representative of District 3,

male homo sapiens, age 30, married with four children.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to advise Mr. Tierney that I heard him more than twice on this bill.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I was the one who had this bill set aside at first reading, and I just wanted you people to know just how expensive this was. The way this came out, it was over a half a million dollars for 41 people that are on the judiciary, think about that — for 41 people.

I didn't make any motion at that time, it was made by somebody else. I didn't state just what my position was because I didn't have to, everybody else did. I do think that the \$7,000 is much too much money. I have personal friends on the court and I think they are worth more than \$7,000, but I have others that I think are useless. I don't think they should be there. I wouldn't give them a penny if I had anything to say about it.

We work under a system that has to be straightened out somewhere. There are things that should be said in here but won't be. There is only so much pushing to do. I saw the report on this and it came out unanimous "Ought to Pass." After I spoke on it, people came to me and said, hey, I didn't go along with the "Ought to Pass" Report but they have a unit rule within the committee, which I think is ridiculous. I have never heard of it before. Where have I been? The unit vote prevails. The unit vote on this was "Ought to Pass," but where is the truth? Why don't we say this? These same people that came to me and told me that they had supported the bill in committee, they did not support the bill in committee but the vote comes out unanimous. I don't understand why we operate under such a cloud of making people believe such is such and in fact it isn't so. I can get awfully upset about a lot of things, but I get upset more when they get up here and they don't tell the truth. This is where I spend my time, trying to get what I think is the truth and present it to you, and when I do, I stand to be corrected, and I really mean this. When I say something, I mean it the way I say it, but sometimes it doesn't come out really the way I think.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I would just like to clarify one point. There is no unit rule on the Appropriations Committee, with the exception of the Appropriations Act. When we are voting on individual items in the Appropriations Act, if we have for instance a seven to six vote, the seven prevail in the Appropriations Act. On individual L. D.'s, there is no unit rule. We try to be unanimous, but I have never twisted an arm yet and I don't think I would be strong enough to twist a few of those down in that room.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: On the chance that the gentleman from Westbrook was referring to the Judiciary Committee, which is what I thought, I would also want to confirm that there is absolutely no case in which the Judiciary Committee acts in that manner, and if there is any specific comment to the contrary, I would be very interested in hearing it.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I sat in this House last winter and I heard a very esteemed and dignified gentleman give us a great lecture

about the salaries of court officials. I would now like to see the guards in Thomaston or Windham or one of our institutions invited to the podium to discuss the salaries of the guards and the indignities they are asked to bear in their positions.

I believe in fair play. I believe we should hear all sides of pay requests. I conducted a little survey last night and when I told them about the increase, many people were shocked, but they did not know all the facts. Perhaps I don't know all the facts either, but I am a little disturbed when I find that our justices are not being paid as much as some of our professors. I am a little disturbed when I find out that department heads are being paid more than our justices and our judges in our court system.

I feel I am responsible, for I have served in this legislature before and I was never asked to address this problem before. But we let this problem get so out of line, each one of us, all of us, bear a certain amount of responsibility for the inequities of life that are heaped upon our fellow man. I feel that one way we can resolve all this is to invite a person from one of the institutions to address us. Even though he does not have the esteem, even though he does not have the dignity, he is a human being like each and every one of us. Let him tell us what his duties are as a guard at one of our institutions, and perhaps we will be more enlightened to his problems and we can give him a better pay raise.

I will vote to increase the salaries of the judges of courts. I am a little disturbed because I thought we were going to give them a 10 percent increase, but we only have one bill to vote on, and that is the one before us. I shall vote for it, but I shall in my heart know that we should address the guards at the institutions who are brought up so much here and spoken of so much as not being paid fairly, and I hope this legislative body will consider that guard who has to bear certain indignities that no other person has to bear in that profession.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be engrossed as amended by Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

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

Mr. CHURCHILL: Mr. Speaker, I wish to pair with Mr. Palmer of Nobleboro. If he were here, he would be voting yea and I would be voting no.

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

Mr. QUINN: Mr. Speaker, I would pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting yea and I would be voting nay.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Birt, Boudreau, P.; Brenerman, Brown, K.C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Cox, Cunningham, Curran, Davies, Devoe, Dow, Drinkwater, Durgin, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Higgins, Hobbins, Huber, Hughes, Hutchings, Jackson, Jacques, Jensen, Joyce, Kane, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, Mahany, Marshall, Masterman, Masterton, McBreairey, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Norris, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Sewall, Silsby, Smith, Spencer, Stover, Stubbs, Talbot, Tarbell, Theriault, Tierney, Torrey, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, The Speaker.

NAY — Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brown, K. L.; Carrier, Connors, Connolly, Cote, Dexter, Diamond, Dutremble, Gauthier, Gillis, Gray, Green, Hall,

Henderson, Hickey, Howe, Hunter, Immonen, Kelleher, Kerry, Kilcoyne, Laffin, Littlefield, MacEachern, Mackel, Martin, A.; McHenry, McKean, McMahon, Nelson, N.; Prescott, Raymond, Rideout, Rollins, Shute, Sprowl, Strout, Tarr, Teague, Tozier, Wood, Wyman.

ABSENT — Dudley, Elias, Kany, LaPlante, LeBlanc, Mills, Tyndale.

Yes, 91; No, 48; Absent, 8; Paired, 4.

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

The Chair recognizes the gentleman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action whereby this Bill was passed to be engrossed and ask that you vote against me.

The SPEAKER: The gentleman from Bath, Ms. Goodwin, moves that we reconsider our action whereby this Bill was passed to be engrossed. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill, "An Act to Define Duties and Set Salaries for Special and Part-time Deputy Sheriffs" (H. P. 992) (L. D. 1191)

Tabled — May 24, 1977 by Mr. Henderson of Bangor.

Pending — Adoption of Committee Amendment "A" (H-388)

On motion of Mr. Henderson of Bangor, retabled pending adoption of Committee Amendment "A" and specially assigned for Tuesday, May 31.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Veterans and Retirement on RESOLVE, to Increase the Retirement Benefits of Helen B. Pearson (H. P. 1057) (L. D. 1287)

Tabled — May 24, 1977 by Mr. Quinn of Gorham.

Pending — Motion of Mr. Theriault of Rumford to Accept the Majority "Ought Not to Pass" Report.

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

Mr. THERIAULT: Mr. Speaker, I move that this be tabled for two legislative days.

Whereupon, Mr. Boudreau of Waterville requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that this matter be tabled pending his motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, May 31. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

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

An Act Relating to Instruction Posting under the Election Laws (H. P. 454) (L. D. 559) (H. "A" H-341)

Tabled — May 25, 1977 by Mr. Carter of Winslow.

Pending — Passage to be Enacted.

On motion of Mr. Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House recon-

sidered its action whereby House Amendment "A" was adopted.

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

House Amendment "A" to House Amendment "A" (H-424) was read by the Clerk and adopted.

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

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

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

An Act to Require a Cost-Benefit Evaluation of Government Regulation (H. P. 1565) (L. D. 1779)

Tabled — May 25, 1977 by Mr. Greenlaw of Stonington.

Pending — Passage to be Enacted.

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

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" as Amended by Committee Amendment "A" (H-383) — Committee on Human Resources on Bill "An Act to Provide for 4-Year Terms of Office for Representatives, Governors, and Lieutenant Governors of the Passamaquoddy Tribe of Indians" (H. P. 870) (L. D. 1063)

Tabled — May 25, 1977 by Mr. Burns of Anson.

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

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

Mr. TALBOT: Mr. Speaker, I move that this bill be recommitted to the Committee on Human Resources and I would speak briefly.

The SPEAKER: The gentleman from Portland, Mr. Talbot, moves that this Bill be recommitted to the Committee on Human Resources.

The gentleman may proceed.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Most of you know that we have been tabling this bill now for a couple of days pending a report from the Attorney General's Office. We have conflicting opinions from the Attorney General's Office, and after conferring with the sponsor of the bill and members of the committee, we felt that it would be better to recommit the bill and then we could report it out in one fashion or another.

Thereupon, the Bill was recommitted to the Committee on Human Resources and sent up for concurrence.

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

House Divided Report — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" as Amended by Committee Amendment "A" (H-380) — Committee on Taxation on Bill "An Act Clarifying the Tax Status of Regional Planning Commissioners and Councils of Government" (H. P. 555) (L. D. 672)

Tabled — May 25, 1977 by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Carey of Waterville to Accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. First of all, I want to thank the Speaker and Minority and Majority Leaders and the Chairman of the

Taxation Committee, Mr. Carey, for their consideration in allowing me to table this bill several times. It is much appreciated.

L. D. 672, An Act Clarifying the Tax Status of Regional Planning Commissioners and Councils of Government, this bill came out of committee with seven members voting "Ought Not to Pass" and six members voting "Ought to Pass" as amended, so it isn't too bad a bill.

I filed L. D. 672 for our local planning commission, the Northern Maine Regional Planning Commission. The directors of the commission, I am one, have bought property to house their offices because they were unable to rent suitable facilities at a reasonable price. As you know, planning commissioners are quasi-governmental. They are supported with government money and by dollars paid by the commissions, by its members, towns and cities as dues. Of the 74 towns and cities in our area, 68 are dues paying members. However, because of a vague law, our commission has had to finance its mortgage at a higher rate of interest than necessary and to pay a real estate tax. If L. D. 672 as amended were to pass, it would save planning commissions a considerable amount of interest over the life of its mortgage if the loan could be refinanced at a lower rate of interest than it is presently paying. It would also save the money now paid for real estate tax. I might add that these commissions should be willing to pay the city involved a fee for fire and police protection. The logic of the bill is that tax dollars shouldn't be used to pay taxes.

Ladies and gentlemen, I hope you will vote to defeat Mr. Carey's motion to accept the "Ought Not to Pass" Report and then we can vote to accept the "Ought to Pass" as amended report.

Those opposing this bill, I understand, will do so because they are concerned that the bill, if passed, will give regional planning commissions too much power and that the commissions will be buying and selling property and be in the real estate business. Ladies and gentlemen of the House, the regional planning commissions have boards of directors made up of private and elected citizens from its member towns and a situation such as this isn't likely to occur. The directors would not permit it.

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

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I have talked to the gentleman from Caribou, Mr. Peterson, a little earlier this morning, and I was obviously under the mistaken impression that there had been an agreement worked out between the town of Caribou, or the City of Caribou, and the regional planning commission and therefore there was no more need for this bill. I find in his remarks that that is not the impression that he has now left me with.

I would like to have you look at this, L. D. 672, and if you don't want to look at it, I will read you a couple of things out of it. It is an act clarifying the tax status of regional planning commissioners and notwithstanding any other state statute or local ordinance now or subsequently enacted, the present and future revenues, income and property, both real and personal of the regional planning commissions shall forever be exempt from all state and local taxation. We don't normally write tax ordinances in such a manner. So the minority decided that even they couldn't buy that, so they rewrote the bill and came out with a committee amendment. So now it says regional planning commissions and councils of government established in accordance with this title are tax exempt institutions which shall be exempt only from income taxes, sales taxes, real and personal property taxes. I don't know what other taxes they would pay, so I don't know why they bother to use the word 'only.'

If any of you have been involved with municipal government at all, you will note that there has been a proliferation of boards and commissions that have been set up, and if you can see the regional planning commission coming in, then you can see this being followed immediately afterwards by the community action group. We have one in our city which has bought an old church which is now taxable property, and they will be in and want their exemption. Then you reach the point where it becomes a little impossible to try to merge some of these groups a little later on when some of their duties are running out, federal monies are running out. They have to try to come up with new gimmicks; therefore, they will try to merge and come in with new programs and new ideas that the federal government may fund, and we are out to try to discourage some of those things. We don't want them owning property. We would much rather pay, at least in my municipality, the lease. The City of Waterville is not the community where the regional planning commission is located, as far as the one we belong to, it is located across the river in Winslow, so we do not gain or lose by the enactment of the defeat of this particular bill.

The merits behind it are what scare me, the fact that we do have this proliferation of government entity, and this is why I feel that you ought to accept the Majority "Ought Not to Pass" Report.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain why I voted for the passage of the bill. It was my understanding, or perhaps I should say it was my interpretation of the explanation given to us as to the status of the regional planning commissions that they are a governmental agency. Again, I will repeat, this was my interpretation, that they are a governmental agency and in that no governmental agency pays property taxes, these particular agencies should not. If you can accept that interpretation, I feel that you should accept the bill and vote "ought to pass." If you feel, on the other hand, that these are not governmental agencies, then I do believe that the appropriate vote would be for "ought not to pass."

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I voted "Ought not to pass" on this bill and did so primarily because regional planning communities are made of various towns who join together and support it, usually with their own tax funds and they also get federal funds. I might like to see them getting less federal funds and having to rely a little more on the communities, but that is actually beside the point.

When you give that regional council a property tax exemption, what it means is that the community in which the regional council actually has its office, it is having to bear the entire burden of that tax exemption. Even if the regional council on its own decides that it wants to give some money for services, that still is not going to make up for the entire tax loss to that particular community. When you have the system of different communities getting together for either the regional planning commission or councils of government kind of setup, the property taxes should be shared by all those communities. If you pass this bill, one town or the towns in which the regional planning office actually has its office is going to be the one that has to pick up the entire burden of the property taxes. That is my reason for voting "ought not to pass." and I hope you would accept the majority report.

On motion of Mr. Carter of Bangor, tabled pending the motion of Mr. Carey of Waterville

to accept the Majority "Ought Not to Pass" Report and tomorrow assigned.

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

SENATE REPORT — "Ought to Pass" — Committee on Health and Institutional Services on Bill "An Act Concerning the Power of Podiatrists" (S. P. 280) (L. D. 893) (In House, Engrossment Reconsidered on May 24)

Tabled — May 25, 1977 by Mr. Goodwin of South Berwick.

Pending — Acceptance of the Committee Report.

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

The Chair laid before the House the following matter:

Bill "An Act Relating to the Spending Ceiling for Education Purposes" (Emergency) (H. P. 968) (L. D. 1165) which was tabled earlier in the day and later today assigned pending further consideration.

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

Mr. LYNCH: Mr. Speaker, I move that we recede and concur and ask for a division and would like to explain.

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

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain briefly the difference between the House and Senate versions of the spending ceiling. The use of leeway and the use of local dollars without state appropriation is the same in both the House and Senate versions. The money is used to get back to this year's cost. In the House version, there is a waiver provision in which the local unit, if they want to use local monies under that provision, must go to the State Board of Education to get the waiver. Those local dollars would be included in the calculation of the unit's per pupil cost but not included in the state's calculation of the average per pupil cost.

The Senate version takes off the waiver provision, I think primarily because it is getting late in the day and it is going to be a real hassle for units to get to the State Board of Education to get a waiver.

It also says that local appropriations beyond those necessary to get back to this year's cost will not be included in a future calculation of the administrative unit's per pupil cost and not included in the state's average per pupil cost.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Members of the House: It is with great trepidation that I oppose my House Chairman, especially since I respect his integrity and also because it is one o'clock, but I beg you to bear with me on a very important issue. Mr. Lynch has explained to you the House version. I would like to do it again very simply, in the simplest terms I can think of. We said that any unit which spends above the state average can raise local funds to get back for what they had to spend last year — in other words, to keep the doors open, to keep the status quo. We also said they could raise an extra two mills. The state may or may not participate depending on that unit's evaluation. Then, if all that fails, they could still go to the State Board with a hardship waiver. The best estimates I have been able to get, if we adopt this version of the House Amendment, 50 to 75 units might be affected by this and would need a waiver.

The argument the Senate has used is that it is too late to get waivers. We have a vehicle before us to extend the budget deadlines for this small number of towns.

There was also an additional House amendment which Mrs. Najarian put on which had to do with using real costs to get back to instead of using the artificial year of 1973-74 which was given to the high evaluation communities.

I have read very carefully the Senate Amendment. I am most distressed, because in the statement of fact you are not told that the ceiling is repealed forevermore. Maybe that is what you want to do, but I ask you to think very seriously about that. It does not say that in the statement of fact. I have been looking at my Title 20, and the best I can tell, they repealed it forever and if I am wrong, I do hope someone will correct me, but I just do not see that.

We spent a lot of time on a very complexed school funding law. You decided at that point that you wanted to keep it, at least for awhile. You take the ceiling off, you have wasted your time, I think, on the rest of the law.

When I came in here as a freshman, it sounded very un-American to me to say that a local unit could not spend as much as it wanted to after it had contributed to the state's educational cost. Then I began to learn more about the law and I will be very brief. When this law went into effect, we had a very wide gap between communities and the money they were able to spend on their kids' education. Under 1994, the gap was narrowed and we are at the position now that everybody can advance at the same pace. Take the ceiling off, there goes the gap again.

Although I know many of you, all of you, have very altruistic reasons for being here, I submit that your vested interest, if you come from a high evaluation community who can raise money fairly easily, will be somewhat lost and you will not fight quite so hard to get education funded at what it really costs. It will leave those communities who cannot raise their funds out fighting by themselves. It destroys the political advantage to everybody if that is the case.

The final thing I would like to say is the options that are available to you. This is an emergency measure, it takes a two thirds vote. If the Senate version fails, we might get back to the bill and the bill does give us an extended ceiling for one more year. There will be a ceiling that comes back on in 1978. That is the other thing — that also takes two thirds. If everything fails, we have existing law and the ceiling goes back on in June of 1977, and I submit that is much worse than anything else because the high evaluation units do not have the option of getting back to last year's costs.

I would ask you to oppose the motion of Mr. Lynch and give us a chance to insist and ask for a committee of conference.

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, what the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Bustin of Augusta requested a roll call vote.

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

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

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: A number of issues have been raised here. The gentleman from Vassalboro, Mrs. Mitchell, has talked about the ceiling going off forever. She has been around long enough and you have all been around long

enough to know that forever is until the next time we meet. The whole law will probably be revised by that time. I would hope that that argument would not carry too many votes.

I spoke the last time this issue was raised, and I think I got eight votes, relative to the State Board of Education sitting down, having towns that need to raise some local money come into them with their hats in their hand and saying please, may we have some money?

I was down at the other end of the hall this week by accident when this was being debated, interested in another bill and the fate of it down there, and there was a good deal of intelligent debate on this issue. There was a Senator from Aroostook who said he had a town that desperately needed some money, that had to raise the money, were faced with laying off personnel, cutting back some of their basic programs, but they were not going to come down to the State Board of Education and beg for money.

Another argument which I think is very significant here is, maybe we ought to decide whether or not the state legislature is going to run every local school system in Maine. That is a major policy decision and maybe we ought to make it. There will probably be some here who would say yes, maybe we ought to, but I do not, myself, agree with that philosophy. I do think we ought to have a measure of local control. Where can local control be when they cannot even say we need to raise some more of our own money in order to run our basic programs?

The objection I had to this bill is gone. It eliminates coming hat in hand to the State Board for permission. I do not think, and I do not know how any of you can look back at your local school systems and think that these wild-eyed liberal spenders are just sitting there waiting to spend that money. Of all crazy kinds of schemes, they are asking for applications for crazy things so they can just spend money. You know that is not what is happening. You know your school committees are struggling to make ends meet. We really know that the money that was necessary for educational spending was not raised. The position this legislature took was a conservative position. I think we ought to give these people a break and I think we ought to go along with the Chairman of the Education Committee here today.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I hope you will oppose the motion to recede and concur so that we can insist and ask for a committee of conference. As I have said before, this is a very serious issue. What I think this Senate Amendment does, it really completely destroys the whole philosophy of L. D. 1994 and our school finance act which we have fought so hard for for three years and have managed each year to perfect it and make it even better. What the amendment does is really conceal the cost of education so that we get no clear idea of what is being spent or how it is being spent, because those few school units that will have to go for a hardship waiver, that cost would not even be included in their local per pupil expenditures.

I care very much about preserving the quality of the law and equal opportunity for all school children across the state. If you accept this amendment, what you will be doing is allowing the high valuation communities to raise any amount of money that they desire and the poor valuation communities, even though they have that same desire, will not have the property resources to give those same opportunities to their children.

I hope you will oppose the motion to recede and concur so that we can insist and ask for a committee of conference.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think we are getting into a little philosophy now. Under the present school funding bill, we have attempted to equalize opportunities for youngsters across the state to get a good education. We find it difficult to give local control and still restrict access to the general revenue. We have tried for a few years now by putting limits on and ceilings. To move in that direction we are moving today, we are saying to the local taxpayers, "look, there is no ceiling. You can spend what you want, but make sure that you understand that the dollars that you are spending on local appropriations will not be shared by the state revenue fund the next time you come up for funding." That is going to have a dampening effect on education funding in the State of Maine but it will be made on the local level by local taxpayers. We cannot do it here in Augusta. There is no way that we can control education spending and access to the general revenue without putting strict controls from Augusta. Let's move in the other direction.

If they want local control, let them exercise local control in their local budgets. We will tell them we will give you access to so many state dollars. Beyond that, you bear the burden yourself.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I just want to let all of these new converts to local control know that we are taking volunteers for the referendum drive in the fall.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: We just passed a bill a short time ago which cost us \$26 million more than it cost us last year to run education. I do not see that this House in the immediate future is not going to make a little change in this particular amendment and say, oh yes, those monies that you spent will be included.

I am a little concerned with us taking the ceiling off. I am also a little concerned when Mr. Bustin said "My objection has been removed from this bill" — it should, as an employee of the M.T.A., as one who is out to see that his membership is fully employed. He has done what I think what he says he should be doing and he should be doing, trying to keep his full employment within his membership. I don't know that that is our responsibility here, to make sure that we provide full employment. I would like to see the ceiling stay on this particular bill.

I remember when Mr. Lynch who now is saying spend, spend, spend, but make sure it is local dollars, I recall him saying when he was still on the Education committee in those days when we passed 1994 and 1452 and 2196 and all of the numbers you can think of, when he was saying we have to put an upper limit on spending so that we can get better control of these things. Now he has taken a 180 degree turn from that particular position. I would certainly hope that we do defeat this motion and we insist.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In response to the last few comments, I would simply say that I have learned a little wisdom as I grow older and hopefully I will continue to do that. To the gentlewoman from Owl's Head, it comes as no surprise. If you have witnessed her debate on education bills, she has been soliciting both for the referendum since the session began.

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

Mr. BUSTIN: Mr. Speaker, Ladies and

Gentlemen of the House: I obviously cannot let the remarks of my good good friend from Waterville go without comment. I would like to advise that gentleman that the status of my private employment is far more well known than any member of this House. I even publish it in the directory. It might come as quite a shock to that gentleman that I perceive my job in this seat as the same as his. It might also come as a shock to him that I happen to have a commitment to education and to educational opportunity. If you do not think the laying off of personnel has a direct bearing on children, what happens when one of these towns has 50 first graders — two teachers? And because of the bill, one of the teachers is laid off. I suggest the impact is not on the teacher who is laid off.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I would just like to call your attention to the fact that the ceiling at this time is removed. We have no ceiling at the moment on educational spending. It is just the bill which will go into effect and which Representative Mitchell and Representative Najarian and Representative Carey are hoping that that ceiling will go back into effect. It was removed for a year. Personally, I believe that a ceiling on educational financing is absolutely essential to any attempt to try and equalize the financing of education in this state. I sincerely hope that you will defeat the motion of Representative Lynch, which was to recede and concur, and go along and insist and call for a committee of conference.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: There is a ceiling and it expires this summer, but that ceiling is that all the local dollars that are appropriated under that ceiling are calculated in the state income average. You may be surprised because this was enacted by the 107th that because of this type of a ceiling, you are going to have to face a \$13 million increase in education funding next spring. This is what we are trying to avoid. We are allowing them to use local dollars but not impose automatically a burden on the state.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Members of the House: I rise to correct the gentleman from Livermore Falls, Representative Lynch. The ceiling is presently off. It will go into effect unless we allow this Senate Amendment to become law.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: Mr. Lynch made reference to the fact that the older he got the wiser he got, and I submit that he must have gotten wiser in the last month, because when we debated the school finance act ceiling before, he said that we had better keep it on because the local communities raised \$26 million out there last year which we were faced with funding this year because the ceiling was off. If we keep the ceiling off another year, it just gets harder and harder to put it back on, and I would say that the whole thing is lost.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I would only like to address two comments. First of all, I would hope that you would defeat the motion today to recede and concur so that we might go to a committee of conference on this matter. I have taken the liberty of walking to the other end of the hall and finding out from some distinguished gentlemen down there who I respect highly, should this body decide to adhere at any point, their position would be

unequivocally to adhere also, and that would be the end of the bill. So I think there are only two options at this point, recede and concur or to simply insist and ask for a committee of conference, and I would submit to you that the latter is the better.

I would like to answer two questions that the gentleman from Augusta, Mr. Bustin, has brought up in reference to a member of the other body refusing to come down here from Aroostook County and beg for money. Well, I would submit to you that if they were going to cancel programs, those programs couldn't have been very worthwhile if they didn't feel that they needed to come down to Augusta and ask for the money and the people back home couldn't have wanted them too much if there wasn't enough pressure to put those people in a position to come down here to ask for money.

The second item which I would like to address is that of local control. And while the State Board of Education may have the option of either granting or denying additional monies spent, I would remind this body that all those monies that are going to be spent are local monies, and there is local control there. If the people want these programs, they will come to Augusta, they will ask for them, they will show justification for them, and I think that is enough local control at this point.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I have written some notes down here to follow so that I can make my comments in an orderly way. I rise to agree entirely with Representative Mitchell, Representative Carey and others who have spoken in favor of the motion to insist and ask for a committee of conference and against the pending motion.

I represent a school administrative district and two towns that are among those so-called 75 that were in the waiver category, so I suppose this is my moment to make my decision. I make it rather easily, as it turns out, in favor of a committee of conference and certainly against the Senate Amendment.

Much of what previous speakers have said on both sides of the issue is true. The argument for local control is a very alluring one, although I think certain speakers who are using that argument today would not have used it, for example, last year when we were voting on the question of line budgets for school districts. I suppose it is an argument that can be used, depending on which particular proposition you wish to advance.

The waiver procedure is awkward, we realize that. I have met with my school board several times in recent weeks to explain what we are doing up here as best as I can, but that board and the administration of S.A.D. 71 is ready to apply for the waiver, depending on whether or not we require that it be kept. It is awkward but it will allow for education costs to be identified and be controlled. They are proliferating at a rapid rate. We seem to be saying up here, "well, we cannot control them so let us throw the ball back in the local arena and let them be controlled at the local level." I submit that they will not be controlled at the local level any better than they will be here.

I also agree with the previous speakers that if you remove the ceiling you might as well junk L.D. 1994. For those of you that favor that approach to education which we are operating under now, you are somewhat inconsistent if you remove the ceiling and yet defend the intent of L.D. 1994, in my opinion. My invasion results this way. You might consider a small narrow pipe through which you can pass some sticky tar. There are three parts to the pipe. The first is the basic allocation, which has tight restrictions attached to it. The second is the leeway,

which has equally tight restrictions. The third would be some kind of maintenance of effort. At the bottom, you would have an opening. Very soon at that bottom you would have the tar balloon into a giant round ball and expand at the bottom. What we are saying is let's not keep the monkey on our back up here, let's put it back locally. Although again I recognized that the argument for local control is very alluring and I favor that under most circumstances myself, I think that we ought to look very closely at the real reasons for that argument being used up here.

A comment was made that local school boards back home are trying to get a handle on their costs. I think the gentleman, Mr. Bustin, made that comment. He is correct — they are. But let me tell you what happens when those local school boards attempt to cut a school budget, as is the case in S.A.D. 71 and as was the case last Monday night when I attended a board meeting. The room was packed with over 100 people. I counted over 23 teachers in the audience. As I spoke to my colleagues in the audience, they, of course, did not like what I told them, but I pointed out that we up here in the legislature were grappling with the needs of the education community vs. the ability of our taxpayers to pay the bill. That is what is hanging us up here. In my particular district this year, that is what is causing them a great deal of grief. The audience was quite unsympathetic and left no doubt that they would be out in force at the district budget meeting to put the cuts back up if they could not prevail upon the school board to do so.

In the final analysis, I guess I must stay with the proposition that I announced earlier. I really hope that we do defeat the pending motion and then move to ask for a committee of conference.

The SPEAKER: A roll call has been ordered. 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

YEAS — Austin, Bachrach, Bagley, Bennett, Birt, Brown, K. L.; Bustin, Carrier, Carter, F.; Chonko, Clark, Curran, Dexter, Gill, Goodwin, H.; Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Kane, Kelleher, Kilcoyne, Littlefield, Lynch, Mackel, Mahany, Martin, A.; Masterton, McHenry, Pearson, Peltier, Prescott, Quinn, Rollins, Smith, Spencer, Stover, Strout, Tarr, Theriault, Tierney, Torrey, Truman, Valentine.

NAYS — Aloupis, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bunker, Burns, Carey, Carroll, Carter, D.; Cote, Cox, Cunningham, Davies, Devoe, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Flanagan, Fowle, Garsoe, Gillis, Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Higgins, Hunter, Jensen, Joyce, Kany, Kerry, Laffin, Lewis, Lizotte, Locke, Lougee, MacEachern, Marshall, Masterman, McBreairey, McKean, McMahon, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Perkins, Peterson, Plourde, Post, Raymond, Sewall, Shute, Sprowl, Stubbs, Talbot, Teague, Tozier, Trafton, Twitchell, Wilfong, Wood, Wyman.

ABSENT — Ault, Boudreau, P.; Churchill, Conners, Connolly, Fenlason, Gauthier, Jalbert, LaPlante, LeBlanc, Maxwell, Mills, Norris, Palmer, Rideout, Silsby, Tarbell, Tyndale, Whittemore.

Yes, 50; No, 81; Absent, 19.

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

Thereupon, the House voted to insist and ask for a Committee of Conference.

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

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

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that we reconsider our action whereby we voted to insist and ask for a Committee of Conference. All those in favor of reconsideration will say yes; those opposed will say no.

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

The Chair laid before the House the following matter:

Bill "An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes" (H. P. 221) (L. D. 285) which was tabled earlier in the day and later today assigned pending the motion of Mr. Lynch of Livermore Falls to recede and concur.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry I had to delay this item. I just wanted to be sure I understood what the amendments did coming from the other body. I think it is a good bill as amended and I urge going along with the motion to recede and concur.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I wonder if maybe the good gentleman from South Portland, Mr. Howe, could explain what Senate Amendment "A" does.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to the gentleman from South Portland, Mr. Howe.

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

Mr. HOWE: Mr. Speaker and Members of the House: I believe that Senate Amendment "A" is the amendment offered by Senator Katz. The original bill, as you may recall from debate the other day, did two things. It provided that the V.T.I.'s could keep for their own use for special projects with the approval of the Commissioner of Education all monies received from tuitions and other gifts. The second part of the bill provided that the Department of Education could allocate faculty administrative positions that it saw fit. An argument to that section was raised that it took that ability away from the legislature. Senator Katz's amendment completely strikes out the second provision of the bill. The Department of Education no longer have the opportunity to allocate faculty administrative positions. In fact, there was some concern among faculty members, at least one of the V.T.I.'s, the one in my district, that they would rather not see the department have that ability for one reason or another. There was considerable argument here that the legislature ought to retain that control. With the amendment, the bill permits the legislature to retain that control.

Furthermore, in the funding part of the bill, the V.T.I.'s will now be able to keep only that portion of the tuition revenues which are in excess of the Governor's estimate of V.T.I. income. Another Senate Amendment has been added to the bill which says that that estimate of the V.T.I.'s tuition revenue must be approved by the legislature, thereby eliminating the concern of some members of this body that V.T.I. personnel might tinker with their enrollment figures in order to increase the amount of money in this fund.

I hope the two Senate Amendments will satisfy the concerns of the various members of

the House and that we will recede and concur.

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" in New Draft (H. P. 1599) (L. D. 1804) — Committee on Public Utilities on Bill "An Act to Establish a Fund to Insure the Safe and Proper Decommissioning of Nuclear Energy Generating Facilities," (H. P. 1454) (L. D. 1694) which was tabled earlier in the day and later today assigned pending the motion of Mr. Kelleher of Bangor to accept the Minority "Ought to Pass" Report.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: I am glad to say (or maybe I should not say) that the Public Utilities Committee is getting their act together. I would oppose the motion "ought to pass" on this bill.

L.D. 1694 creates a nuclear energy decommissioning committee and funds for every nuclear energy generating plant in Maine. The decommissioning fund for each facility will be paid by an assessment levied by the P.U.C. on each consumer's electricity bill. Right now, when a utility applies for a permit for a nuclear plant, they have to show that they have the financial ability to take care of decommissioning of a nuclear facility.

There have been three different redrafts, I believe, on this bill. I am not sure if I have all of them or any of them, but I really think that we are looking 30 or 40 years down the road to decommissioning a nuclear facility. There is no way right at this time to decide which method they are going to use to decommission a nuclear facility. There is no way to find out exactly how much assessment there would be on the utility bill.

I do not feel that this is needed legislation. I think the utilities now own these facilities and they are responsible to make the decisions when it comes to decommissioning. I would oppose the "ought to pass" motion.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Bangor, Mr. Kelleher, for setting this aside while I was on the rostrum earlier this morning. This is, in fact, one of three bills that I have sponsored regarding what I consider to be three important nuclear power issues. I will try to be just as brief as I possibly can because I realize that we all would like to adjourn very quickly.

I have been very concerned in the years that I have served in the legislature about the proliferation of nuclear power plants. I think very honestly and very candidly, in the past year I have had a change in my opinion on that subject. I think the reason why I have had the change is because it appears more and more apparent to me that in the future nuclear power generating facilities are perhaps going to have to be, because of our energy situation, a substantial means of generating electrical power. I think the position that I have taken at this point in time is that I think we have to take a very close look at nuclear generating facilities, make sure that they are operating in the most economical and safest possible manner that we can do.

I assure you that this bill and the other two bills that I have introduced are not an attempt to harass in any way, shape or manner Central Maine Power, who is the primary owner of Maine Yankee in Wiscasset. I think this piece of legislation and the other two I sponsored address some legitimate concerns.

Very briefly, what this bill does, as the

gentlewoman from Bridgton, Mrs. Tarr, has indicated, it requires a nuclear energy decommissioning committee to establish a plan and to establish a fund for the purpose of decommissioning a nuclear power plant. The two issues here are very critically important. I think we need to get on target with a plan for decommissioning. I think that is a legitimate concern of all of us today, not 30 or 40 years from now when the decommissioning of the facility takes place.

Second of all, I think very clearly that the question of the fund answers the question of whether you want the users of that facility to pay for decommissioning at the end of a 30 or 40 year expected life of a plant or whether you want the people that are using the facility at the end of the life of the plant to have a substantial rate increase.

It simply defies me why Central Maine Power would oppose this type of legislation, because I think what we are trying to do is to set up a fund over a period of time that would pay for the decommissioning of a nuclear power facility. I think it is an important piece of legislation. I think the redraft is an improvement over the previous piece of legislation and I hope that you would accept the minority ought to pass report.

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

Mrs. HUBER: Mr. Speaker, Members of the House: Clearly, it will cost a great deal of money to decommission these nuclear power plants and actually this will come within the next 30 years, as that is their expected lifetime. Secondly, I think it is fair and I think the sponsor has got a good point in this bill to spread the cost for the consumers over a period of time rather than having just those of us who are still around in 25 years bear the expense of it. There is no question about it, it will be an expense to the consumer. Finally, I would like to draw a comparison perhaps with the coastal conveyance act which, as you know, pays into a fund to clean up oil spills in our waters. Basically, there is a point at which we are now when that act is funded to the limit, which this commission would also set for decommissioning. The price would then drop way down. For instance, in the oil conveyance act, I think it is something like an eighth of a cent per barrel whereas it has the ability to be as much as half a cent per barrel. I am not sure of those figures, but that is the idea. The commission that would be in existence would be able, I am sure, to make this type of adjustment, depending on the amount raised at a certain point in time.

We are often criticized for not planning ahead and I think this is just a very good opportunity to do so. I hope you will give your consideration to this bill which deals with a very important subject of nuclear power and I hope you will give it the same kind of vote that you gave the black fly.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I will not use more than my allotted five minutes for several reasons. Number one, the sponsor is a good friend of mine. Number 2, probably the bill is not going to go far anyway; and, number three, some of these reasons.

I probably ought to explain that I for one person am as anti-nuclear as anybody in here. If it were possible to have none of those things, that is just exactly what I would have. Unfortunately, we do need some and we have got one. I think the question of decommissioning should be looked at in exactly this light. Presently, we are being asked to pay for the cost of decommissioning. We don't know that that cost is. There are so many unknowns in the whole field of nuclear power that it is hard to assess just what is going on. We have been led down the garden path a hundred times at least and probably will be some more.

The question of used nuclear fuel is an interesting one. Nobody can tell you what the value of that used fuel is, but I think that is an important thing to consider while you consider whether or not we should as the present day rate payers to take on additional money to pay for more electricity that is already too high anyway. The question of the used fuel may be answered in the near future and may provide a way to provide the money to decommission these facilities. The decommissioning question, to me, is not that great anyway. I believe it is 23 nuclear plants that have already been successfully decommissioned around the country.

Just to stay within the promise I made and not take more than my allotted five minutes, I would just ask you to defeat the present motion so that we might adopt the Majority "Ought Not to Pass" Report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with my good friend from Buxton, Mr. Berry, when he stated or intended to state this could be an anti-nuclear bill. Quite to the contrary. I think we should be complimenting the far-thinking of the gentleman from Stonington, Mr. Greenlaw, and the cosponsors of this bill for presenting this measure before us today.

I would not be concerned about the amount of money that would be collected in creating the fund. Maybe Mr. Berry has raised a legitimate point in saying that somewhere down the road assistance may be coming from the federal government coming out with two scientific endeavors in handling the decommissioning of these plants. However, that is not apparent right at this point or in the very near future.

I would urge this House to support the minority report because it is good planning and the preparation is here. There is a mechanism to work by. There is an involvement of the municipalities where a nuclear plant may be located. There is an involvement of the utilities themselves being part of this commission. There is an involvement of representation from the Public Utilities Commission itself, so I would urge the House to support the Minority Report, "Ought to Pass."

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: I will be very brief. Mr. Kelleher said he wasn't concerned about the assessment. I am concerned about the assessment on somebody's light bill. I am concerned because they are having trouble now trying to keep their light bills paid and we are working and trying in our committee to come up with another bill to help the elderly so they can barely survive.

I hope you will give that a little thought too and don't accept the "Ought to Pass" Report.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I would hope the House would not misinterpret my remarks in dealing with the assessment. I think Mrs. Tarr and the rest of us in this legislature are concerned about the probable health hazard of nuclear power, and that is why the gentleman from Stonington, Mr. Greenlaw, presented this document here this morning, and that is one reason why I supported the bill in my committee.

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

A vote of the House was taken.

45 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

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

The Chair laid before the House the following matter:

An Act to Increase the Tax on Fire Insurance Premiums to Aid in Arson Investigation by the State Fire Marshal's Office (H. P. 961) (L. D. 1153) (C. "A" H-357) which was tabled earlier in the day and later today assigned pending the motion of Mr. Kelleher of Bangor that the Bill and all accompanying papers be indefinitely postponed.

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

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for the courtesy of tabling this item temporarily. I now have the information in which to respond to the question of the gentleman from Bangor, Representative Kelleher. For the year ending July 30, 1976, the working budget of the State Fire Marshal's Office was \$360,475. During this year, the State Fire Marshal's Office had transferred to it from the Department of Public Safety four state troopers who comprise an addition to the fire squad. With these state troopers was a transfer of funds totaling \$100,891, the total working budget during the year ending June 30, 1976 of \$407,366.

There also is in the Statement of Fact of L.D. 1153 a printing error. The error would indicate that approximately \$125,000 annually would be contributed to the budget of the State Fire Marshal's office when, in fact, this additional increase would result in approximately a sixty to seventy thousand dollar increase.

The four state troopers who were transferred to the Office of State Fire Marshal, the expenses of these state troopers include not only their salaries but their cars, maintenance, equipment, clothing and their retirement contributions. There has been a sizeable unanticipated increase in the number of arson investigations across the state relative and measurable to the increased incidences of fire across the state. This has resulted in some unanticipated increases and in an unanticipated deficit.

The bill, L.D. 1153, is the result of a cooperative relationship between the insurance industry and the Office of the State Fire Marshal, and I would ask that we defeat the pending motion of indefinite postponement and move this bill through enactment.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: The good gentleman from York County, Mr. Goodwin, gave me a copy of the Maine State Government Annual Report and, indeed, there are four state troopers, as the good gentlelady indicated, working in that department as well as 20 other staff people. The total funds available, unless there is a mistake in this bill for fiscal year 1976, was \$727,000, with an unexpended balance of \$339,000, and now they want another \$125,000?

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I hate to rise, but this is my bill, again. I put this through at the request of people in the industry and from the Fire Marshal's Office. I did so not knowing the budget statements and documents that the gentleman from Bangor, Mr. Kelleher, has presented. I did so because my own brother is a firefighter from Sanford and there have been some possible arson cases in Sanford. I presented the bill thinking that hopefully with additional money to the department, we could, later on with better investigation, hopefully pay less for our fire insurance premiums without running the risk of having other people going around setting fires and thus

having to pay for it in the long run. I figure, pay now and save a lot later.

I would hope you would go against the motion of indefinite postponement.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill and all 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.

22 having voted in the affirmative and 58 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.

(Off Record Remarks)

On motion of Mr. Laffin of Westbrook,
Adjourned until ten o'clock tomorrow morning.